

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 2309 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. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, provided that: “This Act [enacting this chapter] may be cited as the ‘Carl D. Perkins Career and Technical Education Act of 2006.’”

Pub. L. 88-210, title II, §201, as added by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3117, which provided that title II of Pub. L. 88-210, enacting subchapter II of this chapter, could be cited as the “Tech-Prep Education Act”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683.

VOCATIONAL EDUCATION POLICY

Pub. L. 98-524, §6, Oct. 19, 1984, 98 Stat. 2491, 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, non-governmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.”

§ 2302. Definitions

Unless otherwise specified, 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 the supervision of such activities. Such term 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, including information as described in section 2328 of this title.

(3) Area career and technical education school

The term “area career and technical education school” means—

(A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to in-

dividuals 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 career 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 career and technical education school used exclusively or principally for the provision of career 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, 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 career and technical education in not fewer than 5 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) Articulation agreement

The term “articulation agreement” means a written commitment—

(A) that is agreed upon at the State level or approved annually by the lead administrators of—

(i) a secondary institution and a post-secondary educational institution; or

(ii) a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting post-secondary educational institution; and

(B) to a program that is—

(i) designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and

(ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).

(5) Career and technical education

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

(A) offer a sequence of courses that—

(i) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(ii) provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph; 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, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

**(6) Career and technical student organization**

**(A) In general**

The term “career and technical student organization” means an organization for individuals enrolled in a career and technical education program that engages in career and technical education 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 career and technical education at the local level.

**(7) Career guidance and academic counseling**

The term “career guidance and academic counseling” means guidance and counseling that—

(A) provides access for students (and parents, as appropriate) to information regarding career awareness and planning with respect to an individual’s occupational and academic future; and

(B) provides information with respect to career options, financial aid, and postsecondary options, including baccalaureate degree programs.

**(8) Charter school**

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

**(9) Cooperative education**

The term “cooperative education” means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

(B) 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.

**(10) 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 assist-

ance 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 parent applies for assistance under such title; and

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

**(11) Educational service agency**

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

**(12) 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 career and technical education in the State or for the supervision of the administration of career and technical education in the State.

**(13) Eligible institution**

The term “eligible institution” means—

(A) a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree;

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

(C) an area career 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 and Education Assistance Act (25 U.S.C. 450 et seq.) or the Act of April 16, 1934 (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).

**(14) Eligible recipient**

The term “eligible recipient” means—

(A) a local educational agency (including a public charter school that operates as a local educational agency), an area career 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.

**(15) Governor**

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

**(16) 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.

**(17) 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).

**(B) Individuals with disabilities**

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

**(18) Institution of higher education**

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

**(19) Local educational agency**

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

**(20) Non-traditional fields**

The term “non-traditional fields” means occupations or fields of work, including careers in computer science, technology, and other current and 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.

**(21) Outlying area**

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

**(22) 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.

**(23) Postsecondary education tech prep student**

The term “postsecondary education tech prep student” means a student who—

(A) has completed the secondary education component of a tech prep program; and

(B) has enrolled in the postsecondary education component of a tech prep program at an institution of higher education described in clause (i) or (ii) of section 2373(a)(1)(B) of this title.

**(24) 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.

**(25) Scientifically based research**

The term “scientifically based research” means research that is carried out using sci-

entifically based research standards, as defined in section 9501 of this title.

**(26) Secondary education tech prep student**

The term “secondary education tech prep student” means a secondary education student who has enrolled in 2 courses in the secondary education component of a tech prep program.

**(27) Secondary school**

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

**(28) Secretary**

The term “Secretary” means the Secretary of Education.

**(29) Special populations**

The term “special populations” means—

(A) individuals with disabilities;

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

(C) individuals preparing for non-traditional fields;

(D) single parents, including single pregnant women;

(E) displaced homemakers; and

(F) individuals with limited English proficiency.

**(30) 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.

**(31) Support services**

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

**(32) Tech prep program**

The term “tech prep program” means a tech prep program described in section 2373(c) of this title.

**(33) Tribally controlled college or university**

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

**(34) Tribally controlled postsecondary career and technical institution**

The term “tribally controlled postsecondary career and technical institution” means an institution of higher education (as defined in section 1001 of this title, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) 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;

(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 career and technical education; and

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

(Pub. L. 88-210, §3, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 685; amended Pub. L. 110-315, title IX, §941(k)(2)(D)(i), Aug. 14, 2008, 122 Stat. 3466.)

#### REFERENCES IN TEXT

The Social Security Act, referred to in par. (10)(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.

The Indian Self-Determination and Education Assistance Act, referred to in par. (13)(D), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) 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. (13)(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.

#### PRIOR PROVISIONS

A prior section 2302, 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, related to definitions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another 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

2008—Par. (33). Pub. L. 110-315 made technical amendment to reference in original act which appears in text as reference to section 1801(a) of title 25.

### § 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 (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006) from any authority under the provisions of the Carl D. Perkins Vocational and

Technical Education Act of 1998, as in effect on the day before August 12, 2006. The Secretary shall give each eligible agency the opportunity to submit a transition plan for the first fiscal year following August 12, 2006.

(Pub. L. 88-210, §4, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

#### REFERENCES IN TEXT

This chapter (as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006), referred to in text, is this chapter as amended by Pub. L. 109-270, Aug. 12, 2006, 120 Stat. 683.

The Carl D. Perkins Vocational and Technical Education Act of 1998, as in effect on the day before August 12, 2006, 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 Career and Technical Education Act of 2006 by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683.

#### PRIOR PROVISIONS

A prior section 2303, Pub. L. 88-210, §4, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to transition provisions, prior to the general amendment of this chapter by Pub. L. 109-270.

Another 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.

### § 2304. Privacy

#### (a) GEPA

Nothing in this chapter shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

#### (b) Prohibition on development of national database

Nothing in this chapter shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under this chapter.

(Pub. L. 88-210, §5, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

#### PRIOR PROVISIONS

A prior section 2304, Pub. L. 88-210, §5, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to privacy, prior to the general amendment of this chapter by Pub. L. 109-270.

### § 2305. Limitation

All of the funds made available under this chapter shall be used in accordance with the requirements of this chapter.

(Pub. L. 88-210, §6, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 690.)

#### PRIOR PROVISIONS

A prior section 2305, Pub. L. 88-210, §6, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3082, related to limitation on use of funds, prior to the general amendment of this chapter by Pub. L. 109-270.

### § 2306. Special rule

In the case of a local community in which no employees are represented by a labor organization, for purposes of this chapter, the term “rep-