

(b) Maintenance of effort**(1) Determination****(A) In general**

Except as provided in subparagraphs (B) and (C), no payments shall be made under this chapter for any fiscal year to a State for career and technical education programs or tech prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs for the second fiscal year preceding the fiscal year for which the determination is made.

(B) Computation

In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special 1-time project costs, and the cost of pilot programs.

(C) Decrease in Federal support

If the amount made available for career and technical education programs under this chapter for a fiscal year is less than the amount made available for career and technical education programs under this chapter for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

(2) Waiver

The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

(Pub. L. 88-210, title III, §311, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 742.)

PRIOR PROVISIONS

A prior section 2391, Pub. L. 88-210, title III, §311, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3121, related to fiscal requirements, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2391, Pub. L. 88-210, title III, §331, formerly §341, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2463; renumbered §331 and amended Pub. L. 101-392, title III, §307(a)(2), (c), Sept. 25, 1990, 104

Stat. 787, stated findings of Congress, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 311 of Pub. L. 88-210 was classified to section 2361 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2392. Authority to make payments

Any authority to make payments or to enter into contracts under this chapter shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 88-210, title III, §312, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2392, Pub. L. 88-210, title III, §312, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122, related to authority to make payments, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2392, Pub. L. 88-210, title III, §332, formerly §342, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2464; amended Pub. L. 99-159, title VII, §709, Nov. 22, 1985, 99 Stat. 906; renumbered §332 and amended Pub. L. 101-392, title III, §307(a)(2), (d), Sept. 25, 1990, 104 Stat. 787, authorized business-labor-education partnership training grants, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 312 of Pub. L. 88-210 was classified to section 2362 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2393. Construction

Nothing in this chapter shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this chapter.

(Pub. L. 88-210, title III, §313, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2393, Pub. L. 88-210, title III, §313, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3122, related to construction of this chapter, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2393, Pub. L. 88-210, title III, §333, formerly §343, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2465; amended Pub. L. 100-418, title VI, §6134(a), Aug. 23, 1988, 102 Stat. 1512; renumbered §333, Pub. L. 101-392, title III, §307(a)(2), Sept. 25, 1990, 104 Stat. 787, related to use of grant funds, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 313 of Pub. L. 88-210 was classified to section 2363 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2394. Voluntary selection and participation

No funds made available under this chapter shall be used—

(1) to require any secondary school student to choose or pursue a specific career path or major; or

(2) to mandate that any individual participate in a career and technical education program, including a career and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

(Pub. L. 88-210, title III, §314, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 743.)

PRIOR PROVISIONS

A prior section 2394, Pub. L. 88-210, title III, §314, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to voluntary selection and participation, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2394 and prior sections 2394a to 2394e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2394, Pub. L. 88-210, title III, §342, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789, stated findings and purpose of Congress.

Section 2394a, Pub. L. 88-210, title III, §343, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 789; amended Pub. L. 102-103, title III, §315, Aug. 17, 1991, 105 Stat. 508, authorized grants for tech-prep education programs. See section 2373 of this title.

Section 2394b, Pub. L. 88-210, title III, §344, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 790; amended Pub. L. 103-239, title VII, §711(a), May 4, 1994, 108 Stat. 606, related to use of grant funds.

Section 2394c, Pub. L. 88-210, title III, §345, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 791; amended Pub. L. 103-239, title VII, §711(b), May 4, 1994, 108 Stat. 606, related to applications for grants. See section 2374 of this title.

Section 2394d, Pub. L. 88-210, title III, §346, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792, related to reports.

Section 2394e, Pub. L. 88-210, title III, §347, as added Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 792; amended Pub. L. 105-244, title I, §102(a)(6)(E), Oct. 7, 1998, 112 Stat. 1618, defined terms for purposes of tech-prep education grant program.

SHORT TITLE

Pub. L. 88-210, title III, §341, as added by Pub. L. 101-392, title III, §308, Sept. 25, 1990, 104 Stat. 788, which provided that part E of title III of Pub. L. 88-210, enacting part E (§2394 et seq.) of former subchapter III 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. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

§ 2395. Limitation for certain students

No funds received under this chapter may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this chapter may be used by such students.

(Pub. L. 88-210, title III, §315, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2395, Pub. L. 88-210, title III, §315, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, imposed a limitation for certain students, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2395 and prior sections 2395a to 2395e were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2395, Pub. L. 88-210, title III, §351, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 792, stated purpose of supplementary State grant program.

Section 2395a, Pub. L. 88-210, title III, §352, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allotment to States.

Section 2395b, Pub. L. 88-210, title III, §353, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to allocations to local educational agencies.

Section 2395c, Pub. L. 88-210, title III, §354, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to use of grant funds.

Section 2395d, Pub. L. 88-210, title III, §355, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 793, related to State applications for grants.

Section 2395e, Pub. L. 88-210, title III, §356, as added Pub. L. 101-392, title III, §309, Sept. 25, 1990, 104 Stat. 794, related to local applications for grants.

§ 2396. Federal laws guaranteeing civil rights

Nothing in this chapter shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

(Pub. L. 88-210, title III, §316, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2396, Pub. L. 88-210, title III, §316, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to Federal laws guaranteeing civil rights, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2396 and prior sections 2396a to 2396m were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2396, Pub. L. 88-210, title III, §362, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, stated purpose of community education employment centers and vocational education lighthouse schools program.

Section 2396a, Pub. L. 88-210, title III, §363, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, authorized grants to establish and operate community education employment centers.

Section 2396b, Pub. L. 88-210, title III, §364, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, related to program requirements.

Section 2396c, Pub. L. 88-210, title III, §365, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 795, related to support services requirements.

Section 2396d, Pub. L. 88-210, title III, §366, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 796, related to parental and community participation.

Section 2396e, Pub. L. 88-210, title III, §367, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to employment and training of professional staff.

Section 2396f, Pub. L. 88-210, title III, §368, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to eligibility for grants.

Section 2396g, Pub. L. 88-210, title III, §369, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 797, related to applications to participate in grant program.

Section 2396h, Pub. L. 88-210, title III, §370, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798; amended Pub. L. 104-66, title I, §1041(d), Dec. 21, 1995, 109 Stat. 714, related to evaluation of student learning progress.

Section 2396i, Pub. L. 88-210, title III, §371, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798, defined terms “eligible recipient” and “parent”.

Section 2396m, Pub. L. 88-210, title III, §375, as added Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 798, authorized grants to establish and operate vocational education lighthouse schools.

SHORT TITLE

Pub. L. 88-210, title III, §361, as added by Pub. L. 101-392, title III, §310, Sept. 25, 1990, 104 Stat. 794, which provided that part G of title III of Pub. L. 88-210, enacting part G (§2396 et seq.) of former subchapter III of this chapter, could be cited as the “Community Education Employment Center Act of 1990”, was omitted in the general amendment of Pub. L. 88-210 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.