

§ 2397. Participation of private school personnel and children

(a) Personnel

An eligible agency or eligible recipient that uses funds under this chapter for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.

(b) Student participation

(1) Student participation

Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this chapter to provide for the meaningful participation, in career and technical education programs and activities receiving funding under this chapter, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.

(2) Consultation

An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this chapter, of secondary school students attending nonprofit private schools.

(Pub. L. 88-210, title III, §317, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2397, Pub. L. 88-210, title III, §317, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to authorization of Secretary, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2397 and prior sections 2397a to 2397h were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2397, Pub. L. 88-210, title III, §382, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, stated purpose of program to assist tribally controlled postsecondary vocational institutions.

Section 2397a, Pub. L. 88-210, title III, §383, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, authorized grants to tribally controlled postsecondary vocational institutions.

Section 2397b, Pub. L. 88-210, title III, §384, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to eligible grant recipients.

Section 2397c, Pub. L. 88-210, title III, §385, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 800, related to applications for grants, consultation, and use of grants.

Section 2397d, Pub. L. 88-210, title III, §386, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 801, related to amount of grants.

Section 2397e, Pub. L. 88-210, title III, §387, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat.

802, related to effect of grant receipt on eligibility under other programs.

Section 2397f, Pub. L. 88-210, title III, §388, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 802, related to grant adjustments.

Section 2397g, Pub. L. 88-210, title III, §389, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, related to report on facilities and facilities improvement.

Section 2397h, Pub. L. 88-210, title III, §390, as added Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 803, defined terms for purposes of tribally controlled postsecondary vocational institutions grant program.

SHORT TITLE

Pub. L. 88-210, title III, §381, as added by Pub. L. 101-392, title III, §311, Sept. 25, 1990, 104 Stat. 799, which provided that part H of title III of Pub. L. 88-210, enacting part H (§2397 et seq.) of former subchapter III of this chapter, could be cited as the ‘‘Tribally Controlled Vocational Institutions Support 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.

§ 2398. Limitation on Federal regulations

The Secretary may issue regulations under this chapter only to the extent necessary to administer and ensure compliance with the specific requirements of this chapter.

(Pub. L. 88-210, title III, §318, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 744.)

PRIOR PROVISIONS

A prior section 2398, Pub. L. 88-210, title III, §318, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to participation of private school personnel, prior to the general amendment of this chapter by Pub. L. 109-270.

Prior sections 2401 to 2404 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2401, Pub. L. 88-210, title IV, §401, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §402, Sept. 25, 1990, 104 Stat. 806, related to research objectives.

Section 2402, Pub. L. 88-210, title IV, §402, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2466; amended Pub. L. 101-392, title IV, §403, Sept. 25, 1990, 104 Stat. 806, related to research activities.

Section 2403, Pub. L. 88-210, title IV, §403, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2467; amended Pub. L. 101-392, title IV, §404, Sept. 25, 1990, 104 Stat. 807, related to national assessment of vocational education programs.

Section 2404, Pub. L. 88-210, title IV, §404, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2468; amended Pub. L. 101-392, title IV, §405, Sept. 25, 1990, 104 Stat. 809; Pub. L. 103-382, title III, §351(a)(2), Oct. 20, 1994, 108 Stat. 3966, related to National Center or Centers for Research in Vocational Education.

PART B—STATE ADMINISTRATIVE PROVISIONS

§ 2411. Joint funding

(a) General authority

Funds made available to eligible agencies under this chapter may be used to provide additional funds under an applicable program if—

(1) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;

(2) such program serves the same individuals that are served under this chapter;

(3) such program provides services in a coordinated manner with services provided under this chapter; and

(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

(b) Applicable program

For the purposes of this section, the term “applicable program” means any program under any of the following provisions of law:

(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220 [29 U.S.C. 2851 et seq., 2861 et seq.].

(2) The Wagner-Peyser Act [29 U.S.C. 49 et seq.].

(c) Use of funds as matching funds

For the purposes of this section, the term “additional funds” does not include funds used as matching funds.

(Pub. L. 88-210, title III, §321, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

REFERENCES IN TEXT

Public Law 105-220, referred to in subsec. (b)(1), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, known as the Workforce Investment Act of 1998. Chapters 4 and 5 of subtitle B of title I of the Act are classified generally to parts D (§2851 et seq.) and E (§2861 et seq.), respectively, of subchapter II of chapter 30 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Wagner-Peyser Act, referred to in subsec. (b)(2), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (§49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

PRIOR PROVISIONS

A prior section 2411, Pub. L. 88-210, title III, §321, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3123, related to joint funding, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2411, Pub. L. 88-210, title IV, §411, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for demonstration programs, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2411, Pub. L. 88-210, title IV, §411, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2470, related to programs and projects Secretary was authorized to carry out from available funds, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

A prior section 321 of Pub. L. 88-210 was classified to section 2381 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 321 of Pub. L. 88-210 was classified to section 2371 of this title, prior to repeal by Pub. L. 101-392.

§ 2412. Prohibition on use of funds to induce out-of-State relocation of businesses

No funds provided under this chapter shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

(Pub. L. 88-210, title III, §322, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

PRIOR PROVISIONS

A prior section 2412, Pub. L. 88-210, title III, §322, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3124,

prohibited use of funds to induce out-of-State relocation of businesses, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2412, Pub. L. 88-210, title IV, §412, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 812, authorized grants for development, production, and distribution of instructional telecommunications materials and services, prior to the general amendment of this chapter by Pub. L. 105-332.

A prior section 322 of Pub. L. 88-210 was classified to section 2382 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 322 of Pub. L. 88-210 was classified to section 2372 of this title, prior to repeal by Pub. L. 101-392.

§ 2413. State administrative costs

(a) General rule

Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this chapter, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this chapter, an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

(b) Exception

If the amount made available from Federal sources for the administration of programs under this chapter for a fiscal year (referred to in this section as the “determination year”) is less than the amount made available from Federal sources for the administration of programs under this chapter for the preceding fiscal year, then the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for the administration of programs under this chapter for the determination year under subsection (a) shall bear the same ratio to the amount the eligible agency provided from non-Federal sources for such costs for the preceding fiscal year, as the amount made available from Federal sources for the administration of programs under this chapter for the determination year bears to the amount made available from Federal sources for the administration of programs under this chapter for the preceding fiscal year.

(Pub. L. 88-210, title III, §323, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 745.)

PRIOR PROVISIONS

A prior section 2413, Pub. L. 88-210, title III, §323, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3124, related to State administrative costs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2413, Pub. L. 88-210, title IV, §413, as added Pub. L. 101-392, title IV, §406(a), Sept. 25, 1990, 104 Stat. 813, authorized establishment of demonstration centers for training of dislocated workers, prior to the general amendment of this chapter by Pub. L. 105-332.

Another prior section 2413, Pub. L. 88-210, title IV, §413, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2471, related to program of competitive grants to State boards for State programs involving loan of high-technology, state-of-the-art equipment to eligible recipients for use in local vocational education programs, prior to the general amendment of part B of former subchapter IV of this chapter by Pub. L. 101-392.

A prior section 323 of Pub. L. 88-210 was classified to section 2383 of this title, prior to the general amendment of this chapter by Pub. L. 105-332.