

§ 3423. Repealed. Pub. L. 101-392, title VI, § 602(a)(1), Sept. 25, 1990, 104 Stat. 840

Section, Pub. L. 96-88, title II, §213, Oct. 17, 1979, 93 Stat. 675, established the Intergovernmental Advisory Council on Education.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as an Effective Date note under section 3423a of this title.

§ 3423a. Office of Correctional Education

(a) Findings

The Congress finds and declares that—

(1) education is important to, and makes a significant contribution to, the readjustment of incarcerated individuals to society; and

(2) there is a growing need for immediate action by the Federal Government to assist State and local educational programs for criminal offenders in correctional institutions.

(b) Statement of purpose

It is the purpose of this subchapter to encourage and support educational programs for criminal offenders in correctional institutions.

(c) Establishment of Office

The Secretary of Education shall establish within the Department of Education an Office of Correctional Education.

(d) Functions of Office

The Secretary, through the Office of Correctional Education established under subsection (c) of this section, shall—

(1) coordinate all correctional education programs within the Department of Education;

(2) provide technical support to State and local educational agencies and schools funded by the Bureau of Indian Affairs on correctional education programs and curricula;

(3) provide an annual report to the Congress on the progress of the Office of Correctional Education and the status of correctional education in the United States;

(4) cooperate with other Federal agencies carrying out correctional education programs to ensure coordination of such programs;

(5) consult with, and provide outreach to, State directors of correctional education and correctional educators; and

(6) collect from States a sample of information on the number of individuals who complete a vocational education sequence, earn a high school degree or general equivalency diploma, or earn a postsecondary degree while incarcerated and the correlation with job placement, job retention, and recidivism.

(e) Definitions

As used in this section—

(1) the term “criminal offender” means any individual who is charged with or convicted of any criminal offense, including a youth offender or a juvenile offender;

(2) the term “correctional institution” means any—

- (A) prison,
- (B) jail,
- (C) reformatory,
- (D) work farm,

(E) detention center, or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders; and

(3) the term “State educational agency” means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Pub. L. 96-88, title II, §212, formerly §214, as added Pub. L. 101-392, title VI, §602(a)(3), Sept. 25, 1990, 104 Stat. 840; amended Pub. L. 103-322, title II, §20408(a), Sept. 13, 1994, 108 Stat. 1827; renumbered §212, Pub. L. 103-382, title II, §271(a)(2), Oct. 20, 1994, 108 Stat. 3929.)

PRIOR PROVISIONS

A prior section 212 of Pub. L. 96-88 was renumbered section 211 and is classified to section 3422 of this title.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-322 substituted “under subsection (c)” for “under subsection (a)” in introductory provisions.

EFFECTIVE DATE

Pub. L. 101-392, title VII, §702, Sept. 25, 1990, 104 Stat. 843, provided that:

“(a) **IN GENERAL.**—Except as provided in subsection (b), the amendments made by this Act [enacting subchapter II of chapter 44 of this title, this section, sections 2311a, 2327, 2328, 2394 to 2394e, 2395 to 2395e, 2396 to 2396m, 2411 to 2420a, 2424, 2466b to 2466e, 2468, 2468b to 2468e, and 3423a of this title, and subchapter III of chapter 20 of Title 25, Indians, amending sections 2301, 2311 to 2313, 2321 to 2324, 2352, 2361 to 2363, 2382, 2391, 2392, 2401 to 2404, 2421 to 2423, 2451, 2463, and 2471 of this title, section 1812 of Title 25, and sections 49f, 1533, 1604, and 1661c of Title 29, Labor, repealing sections 1131, 2371 to 2373, 2376 to 2378, 2431, 2462, 2464, 2465, and 3423 of this title, and amending provisions set out as a note under section 2301 of this title] shall take effect on July 1, 1991.

“(b) **SPECIAL RULE.**—Sections 3, 115, 116, 504, and 512 and part H of title III of the Carl D. Perkins Vocational and Applied Technology Education Act [former sections 2302, 2325, 2326, 2466a, and 2468a of this title and former part H (§2397 et seq.) of subchapter III of chapter 44 of this title] (as amended by this Act) shall take effect upon the enactment of this Act [Sept. 25, 1990].”

§ 3423b. Office of Non-Public Education

There shall be in the Department an Office of Non-Public Education to ensure the maximum potential participation of non-public school students in all Federal educational programs for which such students are eligible.

(Pub. L. 96-88, title II, §214, as added Pub. L. 103-382, title II, §271(c), Oct. 20, 1994, 108 Stat. 3929.)

PRIOR PROVISIONS

A prior section 214 of Pub. L. 96-88 was renumbered section 212 and is classified to section 3423a of this title.

Another prior section 214 of Pub. L. 96-88 was renumbered section 217 and is classified to section 3424 of this title.

§ 3423c. Office of Indian Education**(a) Office of Indian Education**

There shall be an Office of Indian Education (referred to in this section as “the Office”) in the Department of Education.

(b) Director**(1) Appointment and reporting**

The Office shall be under the direction of the Director, who shall be appointed by the Secretary and who shall report directly to the Assistant Secretary for Elementary and Secondary Education.

(2) Duties

The Director shall—

(A) be responsible for administering this title;¹

(B) be involved in, and be primarily responsible for, the development of all policies affecting Indian children and adults under programs administered by the Office of Elementary and Secondary Education;

(C) coordinate the development of policy and practice for all programs in the Department relating to Indian persons; and

(D) assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to the education of Indian persons.

(c) Indian preference in employment**(1) In general**

The Secretary shall give a preference to Indian persons in all personnel actions in the Office.

(2) Implementation

Such preference shall be implemented in the same fashion as the preference given to any veteran under section 45 of title 25.

(Pub. L. 96-88, title II, §215, as added Pub. L. 103-382, title III, §372(2), Oct. 20, 1994, 108 Stat. 3977.)

REFERENCES IN TEXT

This title, referred to in subsec. (b)(2)(A), is title II of Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 671, which is classified to this subchapter, but probably should have been a reference to part A of title IX of the Elementary and Secondary Education Act of 1965. Part A of title IX of that Act was classified generally to part A (§7801 et seq.) of subchapter IX of chapter 70 of this title, prior to general amendment by Pub. L. 107-110, title IX, § 901, Jan. 8, 2002, 115 Stat. 1956. Provisions similar to those formerly appearing in part A of title IX are contained in part A of title VII of that Act, which is classified generally to part A (§7401 et seq.) of subchapter VII of chapter 70 of this title. For complete classification of the Elementary and Secondary Education Act of 1965 to the Code, see Short Title note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 215 of Pub. L. 96-88 was renumbered section 217 and is classified to section 3424 of this title.

Provisions similar to those in this section were contained in section 2641 of Title 25, Indians, prior to repeal by Pub. L. 103-382, §367.

OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

The Office of Educational Research and Improvement was established by section 3419 of this title. Section

3419 was repealed and a new section 3419 establishing the Institute of Educational Sciences was enacted by Pub. L. 107-279, title IV, §402(2), Nov. 5, 2002, 116 Stat. 1985.

§ 3423d. Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students**(a) Establishment**

There shall be, in the Department, an Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students through which the Secretary shall carry out functions relating to bilingual education.

(b) Director**(1) In general**

The Office shall be headed by a Director of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students, appointed by the Secretary, to whom the Secretary shall delegate all delegable functions relating to bilingual education. The Director shall also be assigned responsibility for recommending improvements and providing technical assistance to other Federal programs serving language-minority and limited-English-proficient students and their families and for assisting the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of language-minority and limited-English language proficient students.

(2) Organization

The Office shall be organized as the Director determines to be appropriate in order to carry out such functions and responsibilities effectively.

(3) Inclusion

The Secretary shall ensure that limited-English-proficient and language-minority students are included in ways that are valid, reliable, and fair under all standards and assessment development conducted or funded by the Department.

(Pub. L. 96-88, title II, §216, as added Pub. L. 103-382, title III, §372(2), Oct. 20, 1994, 108 Stat. 3978; amended Pub. L. 107-110, title X, §1072(b), (c)(2)(B), (d), Jan. 8, 2002, 115 Stat. 2089.)

CODIFICATION

Another section 216 of Pub. L. 96-88 was renumbered section 218 and is classified to section 3425 of this title.

AMENDMENTS

2002—Pub. L. 107-110, §1072(c)(2)(B), substituted “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” for “Office of Bilingual Education and Minority Languages Affairs” in section catchline.

Subsec. (a). Pub. L. 107-110, §1072(b), substituted “Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students” for “Office of Bilingual Education and Minority Languages Affairs”.

¹ See References in Text note below.