

required a report from grantees, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 205 of Pub. L. 88-210 was classified to section 2374 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

§ 2376. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for fiscal year 2007 and each of the 5 succeeding fiscal years.

(Pub. L. 88-210, title II, § 206, as added Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 742.)

PRIOR PROVISIONS

A prior section 2376, Pub. L. 88-210, title II, § 207, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3121, related to demonstration programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2376, Pub. L. 88-210, title III, § 326, as added Pub. L. 100-418, title VI, § 6131(a)(3), Aug. 23, 1988, 102 Stat. 1509, provided findings and purpose of special program of financial assistance to States to enable them to expand and improve vocational education programs designed to meet current needs for training, retraining, and employment development of adults who had completed or left high school and were preparing to enter or had entered the labor market, including workers who were 55 years of age and older, in order to equip adults with competencies and skills required for productive employment, prior to repeal by Pub. L. 101-392, title III, § 305, title VII, § 702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

A prior section 206 of Pub. L. 88-210 was classified to section 2375 of this title, prior to the general amendment of this chapter by Pub. L. 109-270.

A prior section 2377, Pub. L. 88-210, title II, § 208, as added Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3121, which related to authorization of appropriations, was omitted in the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2377 and prior section 2378 were repealed by Pub. L. 101-392, title III, § 305, title VII, § 702(a), Sept. 25, 1990, 104 Stat. 786, 843, effective July 1, 1991.

Section 2377, Pub. L. 88-210, title III, § 327, as added Pub. L. 100-418, title VI, § 6131(a)(3), Aug. 23, 1988, 102 Stat. 1509; amended Pub. L. 101-476, title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142, authorized giving of grants and uses of funds in connection with special program.

Section 2378, Pub. L. 88-210, title III, § 328, as added Pub. L. 100-418, title VI, § 6131(a)(3), Aug. 23, 1988, 102 Stat. 1510, provided for coordination of special program with Job Training Partnership Act.

Prior sections 2381 to 2383 were omitted in the general amendment of this chapter by Pub. L. 105-332.

Section 2381, Pub. L. 88-210, title III, § 321, formerly § 331, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2462; renumbered § 321, Pub. L. 101-392, title III, § 306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to grants for career guidance and counseling.

Section 2382, Pub. L. 88-210, title III, § 322, formerly § 332, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2462; renumbered § 322 and amended Pub. L. 101-392, title III, § 306(a)(2), (c), Sept. 25, 1990, 104 Stat. 786, 787, related to use of funds from career guidance and counseling grants.

Section 2383, Pub. L. 88-210, title III, § 323, formerly § 333, as added Pub. L. 98-524, § 1, Oct. 19, 1984, 98 Stat. 2463; amended Pub. L. 99-159, title VII, § 708, Nov. 22, 1985, 99 Stat. 906; renumbered § 323, Pub. L. 101-392, title III, § 306(a)(2), Sept. 25, 1990, 104 Stat. 786, related to information dissemination and leadership.

SUBCHAPTER III—GENERAL PROVISIONS

PART A—FEDERAL ADMINISTRATIVE PROVISIONS

§ 2391. Fiscal requirements

(a) Supplement not supplant

Funds made available under this chapter for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities and tech prep program activities.

(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.