

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 part A of title VI of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7401 et seq.];

(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; amended Pub. L. 114–95, title IX, §9215(v), Dec. 10, 2015, 129 Stat. 2171.)