

may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

(g) Data

The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for career and technical education programs and programs of study under subsections (a), (b), (c), (d), and (e) and how these allocations are distributed to local educational agencies, area career and technical education schools, and educational service agencies, within the State in accordance with this section.

(h) Special rule

Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Education within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

(Pub. L. 88-210, title I, §131, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 727; amended Pub. L. 115-224, title I, §131, July 31, 2018, 132 Stat. 1612.)

Editorial Notes

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (a)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 2351, Pub. L. 88-210, title I, §131, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3109, related to distribution of funds to secondary school programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2351, Pub. L. 88-210, title III, §301, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2457, related to applications by community-based organizations, prior to the general amendment of this chapter by Pub. L. 105-332.

AMENDMENTS

2018—Subsec. (a)(3)(B). Pub. L. 115-224, §131(1), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs”.

Subsec. (c)(2)(A)(ii). Pub. L. 115-224, §131(2), inserted “or programs of study” after “technical education programs”.

Subsec. (g). Pub. L. 115-224, §131(3), inserted “and programs of study” after “technical education programs”.

Subsec. (h). Pub. L. 115-224, §131(4), substituted “Bureau of Indian Education” for “Bureau of Indian Affairs”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

§ 2352. Distribution of funds for postsecondary education programs

(a) Allocation

(1) In general

Except as provided in subsections (b) and (c) and section 2353 of this title, each eligible

agency shall distribute the portion of the funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

(2) Formula

Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 2322(a)(1) of this title to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 2355 of this title offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

(3) Consortium requirements

(A) In general

In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

(i) provide services to all postsecondary institutions participating in the consortium; and

(ii) are of sufficient size, scope, and quality to be effective.

(B) Funds to consortium

Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this subchapter. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefitting only 1 member of the consortium.

(4) Waiver

The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

(b) Waiver for more equitable distribution

The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

(2) includes a proposal for such an alternative formula.

(c) Minimum grant amount

(1) In general

No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

(2) Redistribution

Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

(Pub. L. 88-210, title I, §132, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 730.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2352, Pub. L. 88-210, title I, §132, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3112, related to distribution of funds for postsecondary vocational and technical education programs, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2352, Pub. L. 88-210, title III, §302, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2458; amended Pub. L. 101-392, title III, §301, Sept. 25, 1990, 104 Stat. 786, related to use of funds, prior to the general amendment of this chapter by Pub. L. 105-332.

§ 2353. Special rules for career and technical education**(a) Special rule for minimal allocation****(1) General authority**

Notwithstanding the provisions of sections 2351 and 2352 of this title and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 2351 or 2352 of this title, such eligible agency may distribute such minimal amount for such year—

(A) on a competitive basis; or

(B) through any alternative method determined by the eligible agency.

(2) Minimal amount

For purposes of this section, the term “minimal amount” means not more than 15 percent of the total amount made available for distribution under section 2322(a)(1) of this title.

(b) Redistribution**(1) In general**

In any academic year that an eligible recipient does not expend all of the amounts the eligible recipient is allocated for such year under section 2351 or 2352 of this title, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 2351 or 2352 of this title, as appropriate.

(2) Redistribution of amounts returned late in an academic year

In any academic year in which amounts are returned to the eligible agency under section 2351 or 2352 of this title and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 2322(a)(1) of this title for the following academic year.

(c) Construction

Nothing in section 2351 or 2352 of this title shall be construed—

(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 2351 of this title, from working with an eligible institution or consortium thereof that receives assistance under section 2352 of this title, to carry out career and technical education programs or programs of study at the secondary level in accordance with this subchapter;

(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 2352 of this title, from working with a local educational agency or consortium thereof that receives assistance under section 2351 of this title, to carry out postsecondary and adult career and technical education programs or programs of study in accordance with this subchapter; or

(3) to require a charter school, that provides career and technical education programs or programs of study and is considered a local educational agency under State law, to jointly establish the charter school’s eligibility for assistance under this subchapter unless the charter school is explicitly permitted to do so under the State’s charter school statute.

(d) Consistent application

For purposes of this section, the eligible agency shall provide funds to charter schools offering career and technical education programs or programs of study in the same manner as the eligible agency provides those funds to other schools. Such career and technical education programs or programs of study within a charter school shall be of sufficient size, scope, and quality to be effective.

(Pub. L. 88-210, title I, §133, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 731; amended Pub. L. 115-224, title I, §132, July 31, 2018, 132 Stat. 1612.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 2353, Pub. L. 88-210, title I, §133, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3113, related to special rules for vocational and technical education, prior to the general amendment of this chapter by Pub. L. 109-270.

AMENDMENTS

2018—Subsecs. (c), (d). Pub. L. 115-224 inserted “or programs of study” after “career and technical education programs” wherever appearing.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

§ 2354. Local application for career and technical education programs**(a) Local application required**

Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency