

Public Law 95-40
95th Congress

An Act

To make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976.

June 3, 1977

[H.R. 3437]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vocational Education Act of 1963 is amended as follows:

Vocational
Education Act of
1963,
amendments.
20 USC 2302.

(1) Section 102(a) of the Vocational Education Act of 1963 is amended by striking out "\$1,325,000" and inserting in lieu thereof "\$1,325,000,000", and by striking out "\$1,485,000" and inserting in lieu thereof "\$1,485,000,000".

(2) Section 102(d) of such Act is amended by inserting "and" after paragraph (2) and by striking out "; and, (4) State administration of vocational education programs assisted under this Act".

(3) Section 103(a)(1)(A) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting "(b)(1)" immediately after "161".

20 USC 2303.

(4)(A) Section 103(a)(1)(B)(iii) of such Act is amended by striking out the last sentence and inserting in lieu thereof: "Beginning in the fiscal year 1979, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subparagraph to pay a part of the costs of programs funded under this subparagraph. During each of the fiscal years covered by this subparagraph, the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities. The Commissioner and the Commissioner of Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subparagraph. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Commissioner shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs."

Plan,
preparation.

Program
administration.

(B) Section 103(a)(1)(B)(iii) of such Act is further amended by striking out "which has contracted" in the first sentence and inserting in lieu thereof "which is eligible to contract".

(C) Section 103(c)(1)(B) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "the Virgin Islands," in both places where that term occurs.

(5)(A) Section 105(a)(20) of such Act is amended by striking out "clauses of this paragraph" and inserting in lieu thereof "clauses of this sentence".

20 USC 2305.

(B) Section 105(d)(4)(A) of such Act is amended by inserting "special education," after "vocational rehabilitation."

(6)(A) The first sentence of section 105(f)(1) of such Act is amended by striking out "\$8,000,000 for fiscal year 1982" and by inserting in lieu thereof "\$10,000,000 for fiscal year 1982".

(B) The second sentence of section 105(f)(1) of such Act is amended by inserting immediately after "State advisory councils" the following: "from amounts allotted to such advisory councils in

- accordance with the method for allotment contained in section 103 (a) (2),”.
- 20 USC 2303. (C) The third sentence of section 105(f) (1) of such Act is amended by inserting “the Northern Mariana Islands,” immediately after “American Samoa.”
- 20 USC 2305. (7) Section 106(a) (8) of such Act is amended by inserting “)” after “under subpart 5 of this part”.
- 20 USC 2306. (8) Section 107(a) (1) (as in effect on October 12, 1976, pursuant to section 204(a) (2) (A) of the Education Amendments of 1976) of such Act is amended by inserting immediately before the period at the end of the first sentence thereof “in which the plan is submitted”, and in the fifth sentence thereof by striking out “(a)” and inserting in lieu thereof “(A)”, by striking out “(b)” and inserting in lieu thereof “(B)”, and by striking out “(c)” and inserting in lieu thereof “(C)”.
- 20 USC 2307. (9) Sections 110(a) and 110(b) (1) of such Act are amended to read as follows:
- 20 USC 2310. “SEC. 110. (a) For each fiscal year, at least 10 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for handicapped persons.
- Ante*, p. 203. “(b) (1) For each fiscal year, at least 20 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for disadvantaged persons (other than handicapped persons), for persons who have limited English-speaking ability, and for providing stipends authorized under section 120(b) (1) (G).”
- Ante*, p. 203. (10) Section 110(c) of such Act is amended to read as follows:
- 20 USC 2330. “(c) For each fiscal year, at least 15 per centum of each State’s allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for (1) persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs, and (2) persons who have already entered the labor market, or are unemployed, or who have completed or left high school and who are not described in paragraph (1).”
- 20 USC 2311. (11) Section 111(a) (1) of such Act is amended by striking out “equal to” in the first place where that term occurs and inserting in lieu thereof “not to exceed” and by inserting immediately after “Islands” the following: “, the Northern Mariana Islands, Guam, the Virgin Islands.”
- (12) Section 111(a) (1) (B) of such Act is amended by striking out “section” and inserting in lieu thereof “sections” and by striking out “vocational education programs” and by inserting in lieu thereof “programs, services, and activities under subpart 2 and program improvement and supportive services under subpart 3”.
- (13) Section 111(a) (1) (C) of such Act is amended by striking out “described in sections 122(f), 133(b), and 140” and inserting in lieu thereof “provided in accordance with sections 122(f), 132(b), and 140 (b) (2)”.
- 20 USC 2332, 2352, 2370.

(14) Section 111(a)(1) of such Act is further amended by redesignating clause (C) as clause (D), by striking out "and" after clause (B), and by inserting immediately below clause (B) the following new clause:

20 USC 2311.

"(C) a part of the costs of supervision and administration of vocational education programs by an eligible recipient, except that such payment shall not exceed (i) a percentage of such costs equal to the percentage of the total costs of the vocational education program of such eligible recipient paid for from this section, or (ii) 50 per centum of such costs if the non-Federal share of such costs is paid by the State from appropriations for such purpose; and"

(15) (A) Section 111(a)(2)(A) of such Act is amended to read as follows:

Payment.

"(2) (A) In addition, the Commissioner shall pay, from each State's allotment under section 103 from appropriations made under section 102(a), an amount not to exceed the Federal share of the cost of State administration of such plans."

Ante, p. 203.*Ante*, p. 203.

(B) Section 108(b)(1)(B)(i) of such Act is amended by inserting after the word "uses" the second time it appears in such section the following: "for State administration and".

20 USC 2308.

(C) Section 108(b)(2)(B) of such Act is amended by inserting after the word "funds" the second time it appears in such section the following: "for State administration and".

(D) Section 111(a) of such Act is amended by adding at the end thereof the following:

Payment.

"(3) In addition, the Commissioner shall pay, from the amount available to each State from the amount appropriated under section 102(d), an amount not to exceed 100 per centum of the cost of carrying out the purposes described in such section 102(d)."

(16) (A) Section 111(a)(2)(B) of such Act is amended by striking out "for the fiscal year preceding fiscal year 1978" and by inserting in lieu thereof "for the latest fiscal year for which reliable data is available preceding fiscal year 1978".

(B) Section 120(a) of such Act is amended by inserting immediately after "vocational education programs" the following: "and other programs, services, and activities operated".

20 USC 2330.

(17) (A) Section 120(b)(1) of such Act is amended by striking out "and" at the end of clause (L), by striking out the period at the end of clause (M) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses:

Grants.

"(N) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

"(O) subject to the provisions of section 111, the costs of supervision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 80 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart."

Supra.*Ante*, p. 204.*Supra*.

- 20 USC 2332. (B) Section 122(g) of such Act is amended by striking out "used for purposes of this section" and inserting in lieu thereof "made available under this section to accommodate students in nonprofit private schools".
- Grants.
20 USC 2350. (C) Section 130(b) of such Act is amended by striking out "and" after paragraph (5), by striking out the period at the end of such section and inserting in lieu thereof "; and", and by inserting immediately below paragraph (6) of such section the following new paragraph:
- Ante*, p. 204. "(7) subject to the provisions of section 111, the costs of supervision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 20 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart."
- Ante*, p. 204.
Ante, p. 205.
- 20 USC 2351. (18) (A) Section 131(a) of such Act is amended by striking out "coordination" and inserting in lieu thereof "coordinating".
- Contracts.
20 USC 2352. (B) That portion of section 132(a) of such Act preceding paragraph (1) is amended to read as follows:
Supra. "SEC. 132. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of exemplary and innovative programs, including—".
- (C) Section 132(b) of such Act is amended by inserting immediately after "Federal funds" the following: "made available under this section to accommodate students in nonprofit private schools".
- Contracts.
20 USC 2353. (19) That portion of section 133(a) of such Act preceding paragraph (1) is amended to read as follows:
"SEC. 133. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of curriculum development projects, including—".
- 20 USC 2354. (20) Section 134(a) of such Act is amended by striking out "shall include" and by inserting in lieu thereof "shall include one or more of the following activities".
- 20 USC 2391.
20 USC 2312. (21) Section 161(a)(1) of such Act is amended by striking out "section 112" and by inserting in lieu thereof "section 112(b)".
- (22) Section 161(a)(3)(A) of such Act is amended by striking out "October 1, 1977" and by inserting in lieu thereof "October 1, 1978".
- (23) Section 161(b)(1) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting immediately after "in effect" in the second sentence the following: "on the date of the enactment of the Education Amendments of 1976 and", and in clause (B) by striking out "September 30, 1977" and by inserting in lieu thereof "September 30, 1978".
- 20 USC 2392. (24) (A) Section 162(b)(4)(A) of such Act is amended by inserting "special education," after "vocational rehabilitation,".
- Gifts, acceptance. (B) Section 162(c) of such Act is amended by striking out "paragraph" in the first sentence thereof and inserting in lieu thereof "subsection", and by adding at the end of such section the following new sentence: "The National Council may accept gifts if the acceptance of such gifts will better enable it to carry out its functions under this section."

(25) Sections 191 and 192 of such Act are each amended by striking out "part" and inserting in lieu thereof "subpart", and such section 191 is further amended by striking out "August 2" and inserting in lieu thereof "August 12".

20 USC 2441,
2442.

(26) (A) Section 195(7) of such Act is amended by striking out "crippled" and inserting in lieu thereof "orthopedically impaired" and by inserting immediately after "impaired persons" the following: ", or persons with specific learning disabilities,".

20 USC 2461.

(B) Section 195(8) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "American Samoa,".

(27) (A) Section 195(15) of such Act is amended by striking out "designating" and inserting in lieu thereof "designing".

(B) Section 195(20) of such Act is amended by striking out "For the purposes of this Act, the" and inserting in lieu thereof "The".

(C) Section 195 of such Act is amended by adding at the end thereof the following:

"Private vocational training institution."

"(21) The term 'private vocational training institution' means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools of a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded."

List, publication.

(28) (A) Section 107(b)(4) of the Comprehensive Employment and Training Act of 1973 is amended by inserting "special education," after "vocational rehabilitation,".

29 USC 817.

(B) Section 503(5) of the Comprehensive Employment and Training Act of 1973 is amended by inserting "special education," after "vocational rehabilitation,".

29 USC 953.

(29) Section 203 of the Education Amendments of 1976 is amended by adding at the end thereof the following:

Effective date.
90 Stat. 2213.

"(c) (1) Section 104 of the Vocational Education Amendments of 1968 is amended by adding before the period at the end thereof the following: '(as such Act will be in effect on October 1, 1977)'."

20 USC 11 note.

"(2) The amendment made by this section shall be effective on and after October 1, 1977."

20 USC 2563.

(30) The first sentence of section 523(b)(2) of the Education Amendments of 1976 is amended by striking out "September 30, 1979" and by inserting in lieu thereof "September 30, 1980" and by striking out "September 30, 1980" and by inserting in lieu thereof "September 30, 1981". The first sentence of such section 523(b)(2) is further amended by striking out everything which appears after "under this section".

(31) (A) Section 523(b)(3) of the Education Amendments of 1976 is amended by striking "section" at the end of the first sentence and by inserting in lieu thereof "subsection concerning the National Institute of Education", and the second sentence of such section is amended by striking "October 1, 1979" and by inserting in lieu thereof "October 1, 1981".

(B) The amendments made by subparagraph (A) shall take effect on and after October 1, 1977.

Effective date.
20 USC 2563
note.
20 USC 2301
note.

SEC. 2. Except where otherwise specifically indicated, any reference in the first section of this Act to the Vocational Education Act of 1963 means such Act as in effect on October 1, 1977.

Approved June 3, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-86 (Comm. on Education and Labor).

SENATE REPORT No. 95-142 (Comm. on Human Resources).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Mar. 22, considered and passed House.

May 16, considered and passed Senate, amended.

May 18, House concurred in Senate amendments.