

**(4) Indoor facility**

The term “indoor facility” means a building that is enclosed.

**(5) Secretary**

The term “Secretary” means the Secretary of Health and Human Services.

(Pub. L. 103-227, title X, §1042, Mar. 31, 1994, 108 Stat. 271.)

## REFERENCES IN TEXT

The Child Nutrition Act of 1966, referred to in par. (2), is Pub. L. 89-642, Oct. 11, 1966, 80 Stat. 885, as amended, which is classified generally to chapter 13A (§1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (2)(A)(i), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to subchapters XVIII (§1395 et seq.) and XIX (§1396 et seq.) of chapter 7 of Title 42. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

This subchapter, referred to in par. (2)(B), was in the original “this title”, meaning title X of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 265, which enacted this subchapter and section 3351 of this title, amended sections 1107, 1232h, 2421, 3381 to 3384, and 3386 of this title, sections 1632, 1633, and 1635 of Title 29, Labor, and section 11903a of Title 42, and enacted provisions set out as notes under section 2701 of this title and section 11901 of Title 42.

**§ 6083. Nonsmoking policy for children’s services****(a) Prohibition**

After March 31, 1994, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

**(b) Additional prohibition**

After March 31, 1994, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

- (1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (2) any private residence.

**(c) Federal agencies****(1) Kindergarten, elementary, or secondary education or library services**

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

**(2) Health or day care or early childhood development services**

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility (or

portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

- (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (B) any private residence.

**(3) Application of provisions**

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

**(d) Notice**

The prohibitions in subsections (a) through (c) of this section shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children’s services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after March 31, 1994, whichever occurs first.

**(e) Special waiver****(1) In general**

On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) of this section who employs individuals who are members of a labor organization and provide children’s services pursuant to a collective bargaining agreement that—

- (A) took effect before March 31, 1994; and
- (B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

**(2) Termination of waiver**

A special waiver granted under this subsection shall terminate on the earlier of—

- (A) the first expiration date (after March 31, 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
- (B) the date that is 1 year after March 31, 1994.

**(f) Civil penalties****(1) In general**

Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibi-

tion in subsection (c) of this section, the term “person” shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

**(2) Administrative proceeding**

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary’s designee) and such person may consult to arrange a suitable date and location where appropriate.

**(3) Circumstances affecting penalty or order**

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and
- (C) such other matters as justice may require.

**(4) Modification**

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

**(5) Petition for review**

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary’s designee. The peti-

tion shall be filed within 30 days after the Secretary’s assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

**(6) Failure to comply**

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 103–227, title X, §1043, Mar. 31, 1994, 108 Stat. 272.)

**§ 6084. Preemption**

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub. L. 103–227, title X, §1044, Mar. 31, 1994, 108 Stat. 274.)

**CHAPTER 69—SCHOOL-TO-WORK OPPORTUNITIES**

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tion about and access to the labor market necessary to make an effective transition from school to career-oriented work or to further education and training;

(6) students in the United States can achieve high academic and occupational standards, and many learn better and retain more when the students learn in context, rather than in the abstract;

(7) while many students in the United States have part-time jobs, there is infrequent linkage between—

(A) such jobs; and

(B) the career planning or exploration, or the school-based learning, of such students;

(8) the work-based learning approach, which is modeled after the time-honored apprenticeship concept, integrates theoretical instruction with structured on-the-job training, and this approach, combined with school-based learning, can be very effective in engaging student interest, enhancing skill acquisition, developing positive work attitudes, and preparing youths for high-skill, high-wage careers;

(9) Federal resources currently fund a series of categorical, work-related education and training programs, many of which serve disadvantaged youths, that are not administered as a coherent whole; and

(10) in 1992 approximately 3,400,000 individuals in the United States age 16 through 24 had not completed high school and were not currently enrolled in school, a number representing approximately 11 percent of all individuals in this age group, which indicates that these young persons are particularly unprepared for the demands of a 21st century workforce.

(Pub. L. 103-239, § 2, May 4, 1994, 108 Stat. 569.)

#### EFFECTIVE DATE

Section 801 of Pub. L. 103-239 provided that: “This Act [see Short Title note below] shall take effect on the date of enactment of this Act [May 4, 1994].”

#### SHORT TITLE

Section 1(a) of Pub. L. 103-239 provided that: “This Act [enacting this chapter, amending sections 2394b, 2394c, and 4441 of this title, section 1699 of Title 29, Labor, and sections 11449 and 11450 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and section 4401 of this title] may be cited as the ‘School-to-Work Opportunities Act of 1994’.”

### § 6102. Purposes and Congressional intent

#### (a) Purposes

The purposes of this chapter are—

(1) to establish a national framework within which all States can create statewide School-to-Work Opportunities systems that—

(A) are a part of comprehensive education reform;

(B) are integrated with the systems developed under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] and the National Skill Standards Act of 1994;<sup>1</sup> and

(C) offer opportunities for all students to participate in a performance-based education and training program that will—

(i) enable the students to earn portable credentials;

(ii) prepare the students for first jobs in high-skill, high-wage careers; and

(iii) increase their opportunities for further education, including education in a 4-year college or university;

(2) to facilitate the creation of a universal, high-quality school-to-work transition system that enables youths in the United States to identify and navigate paths to productive and progressively more rewarding roles in the workplace;

(3) to utilize workplaces as active learning environments in the educational process by making employers joint partners with educators in providing opportunities for all students to participate in high-quality, work-based learning experiences;

(4) to use Federal funds under this chapter as venture capital, to underwrite the initial costs of planning and establishing statewide School-to-Work Opportunities systems that will be maintained with other Federal, State, and local resources;

(5) to promote the formation of local partnerships that are dedicated to linking the worlds of school and work among secondary schools and postsecondary educational institutions, private and public employers, labor organizations, government, community-based organizations, parents, students, State educational agencies, local educational agencies, and training and human service agencies;

(6) to promote the formation of local partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;

(7) to help all students attain high academic and occupational standards;

(8) to build on and advance a range of promising school-to-work activities, such as tech-prep education, career academies, school-to-apprenticeship programs, cooperative education, youth apprenticeship, school-sponsored enterprises, business-education compacts, and promising strategies that assist school dropouts, that can be developed into programs funded under this chapter;

(9) to improve the knowledge and skills of youths by integrating academic and occupational learning, integrating school-based and work-based learning, and building effective linkages between secondary and postsecondary education;

(10) to encourage the development and implementation of programs that will require paid high-quality, work-based learning experiences;

(11) to motivate all youths, including low-achieving youths, school dropouts, and youths with disabilities, to stay in or return to school or a classroom setting and strive to succeed, by providing enriched learning experiences and assistance in obtaining good jobs and continuing their education in postsecondary educational institutions;

(12) to expose students to a broad array of career opportunities, and facilitate the selection of career majors, based on individual interests, goals, strengths, and abilities;

<sup>1</sup> See References in Text note below.

(13) to increase opportunities for minorities, women, and individuals with disabilities, by enabling individuals to prepare for careers that are not traditional for their race, gender, or disability; and

(14) to further the National Education Goals set forth in title I of the Goals 2000: Educate America Act [20 U.S.C. 5811 et seq.].

**(b) Congressional intent**

It is the intent of Congress that the Secretary of Labor and the Secretary of Education jointly administer this chapter in a flexible manner that—

(1) promotes State and local discretion in establishing and implementing statewide School-to-Work Opportunities systems and School-to-Work Opportunities programs; and

(2) contributes to reinventing government by—

(A) building on State and local capacity;

(B) eliminating duplication in education and training programs for youths by integrating such programs into 1 comprehensive system;

(C) maximizing the effective use of resources;

(D) supporting locally established initiatives;

(E) requiring measurable goals for performance; and

(F) offering flexibility in meeting such goals.

(Pub. L. 103-239, §3, May 4, 1994, 108 Stat. 570.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Goals 2000: Educate America Act, referred to in subsec. (a)(1)(B), (14), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). Title I of the Act is classified generally to subchapter I (§5811 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The National Skill Standards Act of 1994, referred to in subsec. (a)(1)(B), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which was classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title, prior to repeal by section 509(a) of Pub. L. 103-227, effective Sept. 30, 1999. For complete classification of this Act to the Code, see Tables.

**§ 6103. Definitions**

As used in this chapter:

**(1) All aspects of an industry**

The term “all aspects of an industry” means all aspects of the industry or industry sector a student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues, and environmental issues, related to such industry or industry sector.

**(2) All students**

The term “all students” means both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, American Indians, Alaska Natives, Native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children, school dropouts, and academically talented students.

**(3) Approved State plan**

The term “approved State plan” means a statewide School-to-Work Opportunities system plan that is submitted by a State under section 6143 of this title, is determined by the Secretaries to include the program components described in sections 6112 through 6114 of this title and otherwise meet the requirements of this chapter, and is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

**(4) Career guidance and counseling**

The term “career guidance and counseling” means programs—

(A) that pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decisionmaking, placement skills, and knowledge and understanding of local, State, and national occupational, educational, and labor market needs, trends, and opportunities;

(B) that assist individuals in making and implementing informed educational and occupational choices; and

(C) that aid students to develop career options with attention to surmounting gender, race, ethnic, disability, language, or socioeconomic impediments to career options and encouraging careers in nontraditional employment.

**(5) Career major**

The term “career major” means a coherent sequence of courses or field of study that prepares a student for a first job and that—

(A) integrates academic and occupational learning, integrates school-based and work-based learning, establishes linkages between secondary schools and postsecondary educational institutions;

(B) prepares the student for employment in a broad occupational cluster or industry sector;

(C) typically includes at least 2 years of secondary education and at least 1 or 2 years of postsecondary education;

(D) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(E) results in the award of—

(i) a high school diploma or its equivalent, such as—

(I) a general equivalency diploma; or

(II) an alternative diploma or certificate for students with disabilities for

whom such alternative diploma or certificate is appropriate;

(ii) a certificate or diploma recognizing successful completion of 1 or 2 years of postsecondary education (if appropriate); and

(iii) a skill certificate; and

(F) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a 2- or 4-year college or university.

**(6) Community-based organizations**

The term “community-based organizations” has the meaning given such term in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).<sup>1</sup>

**(7) Elementary school**

The term “elementary school” means a day or residential school that provides elementary education, as determined under State law.

**(8) Employer**

The term “employer” includes both public and private employers.

**(9) Governor**

The term “Governor” means the chief executive of a State.

**(10) Local educational agency**

The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

**(11) Local partnership**

The term “local partnership” means a local entity that is responsible for local School-to-Work Opportunities programs and that—

(A) consists of employers, representatives of local educational agencies and local postsecondary educational institutions (including representatives of area vocational education schools, where applicable), local educators (such as teachers, counselors, or administrators), representatives of labor organizations or nonmanagerial employee representatives, and students; and

(B) may include other entities, such as—

- (i) employer organizations;
- (ii) community-based organizations;
- (iii) national trade associations working at the local levels;
- (iv) industrial extension centers;
- (v) rehabilitation agencies and organizations;
- (vi) registered apprenticeship agencies;

(vii) local vocational education entities;

(viii) proprietary institutions of higher education (as defined in section 102(b) of the Higher Education Act of 1965 [20 U.S.C. 1002(b)]<sup>2</sup> that continue to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]);

(ix) local government agencies;

(x) parent organizations;

(xi) teacher organizations;

(xii) vocational student organizations;

(xiii) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512);<sup>1</sup>

(xiv) federally recognized Indian tribes, Indian organizations, and Alaska Native villages within the meaning of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); and

(xv) Native Hawaiian entities.

**(12) Postsecondary educational institution**

The term “postsecondary educational institution” means an institution of higher education (as such term is defined in section 102 of the Higher Education Act of 1965 [20 U.S.C. 1002]) which continues to meet the eligibility and certification requirements under title IV of such Act (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]).

**(13) Registered apprenticeship agency**

The term “registered apprenticeship agency” means the Bureau of Apprenticeship and Training in the Department of Labor or a State apprenticeship agency recognized and approved by the Bureau of Apprenticeship and Training as the appropriate body for State registration or approval of local apprenticeship programs and agreements for Federal purposes.

**(14) Registered apprenticeship program**

The term “registered apprenticeship program” means a program registered by a registered apprenticeship agency.

**(15) Related services**

The term “related services” includes the types of services described in section 1401 of this title.

**(16) Rural community with low population density**

The term “rural community with low population density” means a county, block number area in a nonmetropolitan county, or consortium of counties or of such block number areas, that has a population density of 20 or fewer individuals per square mile.

**(17) School dropout**

The term “school dropout” means a youth who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

**(18) School site mentor**

The term “school site mentor” means a professional employed at a school who is des-

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be followed by a closing parenthesis.

ignated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, and the employer of the student to design and monitor the progress of the School-to-Work Opportunities program of the student.

**(19) School-to-Work Opportunities program**

The term “School-to-Work Opportunities program” means a program that meets the requirements of this chapter, other than a program described in section 6191(a) of this title.

**(20) Secondary school**

The term “secondary school” means—

(A) a nonprofit day or residential school that provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12; and

(B) a Job Corps center under part B of title IV of the Job Training Partnership Act (29 U.S.C. 1691 et seq.).<sup>1</sup>

**(21) Secretaries**

The term “Secretaries” means the Secretary of Education and the Secretary of Labor.

**(22) Skill certificate**

The term “skill certificate” means a portable, industry-recognized credential issued by a School-to-Work Opportunities program under an approved State plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the National Skill Standards Board established under the National Skill Standards Act of 1994,<sup>1</sup> except that until such skill standards are developed, the term “skill certificate” means a credential issued under a process described in the approved State plan.

**(23) State**

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

**(24) State educational agency**

The term “State educational agency” means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

**(25) Workplace mentor**

The term “workplace mentor” means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, challenges the student to perform well, and works in consultation with classroom teachers and the employer of the student.

(Pub. L. 103-239, §4, May 4, 1994, 108 Stat. 572; Pub. L. 103-382, title III, §394(j)(1), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, §102(c)(1), Oct. 7, 1998, 112 Stat. 1622; Pub. L. 108-446, title III, §305(f), Dec. 3, 2004, 118 Stat. 2805.)

REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in par. (3), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Higher Education Act of 1965, referred to in pars. (11)(B)(viii) and (12), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Alaska Native Claims Settlement Act, referred to in par. (11)(B)(xiv), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Job Training Partnership Act, referred to in pars. (6), (11)(B)(xiii), and (20)(B), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Part B of title IV of the Act was classified generally to part B (§1691 et seq.) of subchapter IV of chapter 19 of Title 29, Labor, and sections 4 and 102 of the Act were classified to sections 1503 and 1512, respectively, of Title 29. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The National Skill Standards Act of 1994, referred to in par. (22), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which was classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title, prior to repeal by section 509(a) of Pub. L. 103-227, effective Sept. 30, 1999. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2004—Par. (15). Pub. L. 108-446 substituted “section 1401” for “section 1401(a)(17)”.

1998—Par. (11)(B)(viii). Pub. L. 105-244, §102(c)(1)(A), substituted “section 102(b)” for “section 481(b)”.

Par. (12). Pub. L. 105-244, §102(c)(1)(B), substituted “section 102” for “section 481”.

1994—Par. (15). Pub. L. 103-382 substituted “section 1401(a)(17)” for “section 1401(17)”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

**§ 6104. Federal administration**

**(a) Joint administration**

**(1) In general**

Notwithstanding the Department of Education Organization Act (20 U.S.C. 3401 et seq.), the General Education Provisions Act (20 U.S.C. 1221 et seq.), the Act entitled “An

Act To Create a Department of Labor”, approved March 4, 1913 (29 U.S.C. 551 et seq.), and section 166 of the Job Training Partnership Act (29 U.S.C. 1576),<sup>1</sup> the Secretaries shall jointly provide for, and shall exercise final authority over, the administration of this chapter, and shall have final authority to jointly issue whatever procedures, guidelines, and regulations, in accordance with section 553 of title 5, the Secretaries consider necessary and appropriate to administer and enforce the provisions of this chapter.

**(2) Submission of plan**

Not later than 120 days after May 4, 1994, the Secretaries shall prepare a plan for the joint administration of this chapter and submit such plan to Congress for review and comment.

**(b) Acceptance of gifts**

The Secretaries are authorized, in carrying out this chapter, to accept, purchase, or lease in the name of the Department of Labor or the Department of Education, and employ or dispose of in furtherance of the purposes of this chapter, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

**(c) Use of voluntary and uncompensated services**

Notwithstanding section 1342 of title 31, the Secretaries are authorized to accept voluntary and uncompensated services in furtherance of the purposes of this chapter.

(Pub. L. 103-239, §5, May 4, 1994, 108 Stat. 575.)

REFERENCES IN TEXT

The Department of Education Organization Act, referred to in subsec. (a)(1), is Pub. L. 96-88, Oct. 17, 1979, 93 Stat. 668, which is classified principally to chapter 48 (§3401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3401 of this title and Tables.

The General Education Provisions Act, referred to in subsec. (a)(1), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814, as amended, which is classified generally to chapter 31 (§1221 et seq.) of this title. For complete classification of this Act to the Code, see section 1221 of this title and Tables.

The Act entitled “An Act To Create a Department of Labor”, approved March 4, 1913, referred to in subsec. (a)(1), is act Mar. 4, 1913, ch. 141, 37 Stat. 736, as amended, which is classified principally to sections 2, 551, and 555 to 562 of Title 29, Labor. For complete classification of this Act to the Code, see Tables.

Section 166 of the Job Training Partnership Act, referred to in subsec. (a)(1), which was classified to section 1576 of Title 29, Labor, was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

<sup>1</sup> See References in Text note below.

SUBCHAPTER I—SCHOOL-TO-WORK OPPORTUNITIES BASIC PROGRAM COMPONENTS

**§ 6111. General program requirements**

A School-to-Work Opportunities program under this chapter shall—

(1) integrate school-based learning and work-based learning, as provided for in sections 6112 and 6113 of this title, integrate academic and occupational learning, and establish effective linkages between secondary and postsecondary education;

(2) provide participating students with the opportunity to complete career majors;

(3) incorporate the program components provided in sections 6112 through 6114 of this title;

(4) provide participating students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are preparing to enter; and

(5) provide all students with equal access to the full range of such program components (including both school-based and work-based learning components) and related activities, such as recruitment, enrollment, and placement activities, except that nothing in this chapter shall be construed to provide any individual with an entitlement to services under this chapter.

(Pub. L. 103-239, title I, §101, May 4, 1994, 108 Stat. 576.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

**§ 6112. School-based learning component**

The school-based learning component of a School-to-Work Opportunities program shall include—

(1) career awareness and career exploration and counseling (beginning at the earliest possible age, but not later than the 7th grade) in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors, including those options that may not be traditional for their gender, race, or ethnicity;

(2) initial selection by interested students of a career major not later than the beginning of the 11th grade;

(3) a program of study designed to meet the same academic content standards the State has established for all students, including, where applicable, standards established under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.], and to meet the requirements necessary to prepare a student for postsecondary education and the requirements necessary for a student to earn a skill certificate;

(4) a program of instruction and curriculum that integrates academic and vocational learning (including applied methodologies and team-teaching strategies), and incorporates instruction, to the extent practicable, in all aspects of an industry, appropriately tied to the career major of a participant;

(5) regularly scheduled evaluations involving ongoing consultation and problem solving with students and school dropouts to identify their academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills; and

(6) procedures to facilitate the entry of students participating in a School-to-Work Opportunities program into additional training or postsecondary education programs, as well as to facilitate the transfer of the students between education and training programs.

(Pub. L. 103-239, title I, §102, May 4, 1994, 108 Stat. 576.)

#### REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in par. (3), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

### § 6113. Work-based learning component

#### (a) Mandatory activities

The work-based learning component of a School-to-Work Opportunities program shall include—

(1) work experience;

(2) a planned program of job training and work experiences (including training related to preemployment and employment skills to be mastered at progressively higher levels) that are coordinated with learning in the school-based learning component described in section 6112 of this title and are relevant to the career majors of students and lead to the award of skill certificates;

(3) workplace mentoring;

(4) instruction in general workplace competencies, including instruction and activities related to developing positive work attitudes, and employability and participative skills; and

(5) broad instruction, to the extent practicable, in all aspects of the industry.

#### (b) Permissible activities

Such component may include such activities as paid work experience, job shadowing, school-sponsored enterprises, or on-the-job training.

(Pub. L. 103-239, title I, §103, May 4, 1994, 108 Stat. 577.)

### § 6114. Connecting activities component

The connecting activities component of a School-to-Work Opportunities program shall include—

(1) matching students with the work-based learning opportunities of employers;

(2) providing, with respect to each student, a school site mentor to act as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and, if appropriate, other community partners;

(3) providing technical assistance and services to employers, including small- and medium-sized businesses, and other parties in—

(A) designing school-based learning components described in section 6112 of this title, work-based learning components described in section 6113 of this title, and counseling and case management services; and

(B) training teachers, workplace mentors, school site mentors, and counselors;

(4) providing assistance to schools and employers to integrate school-based and work-based learning and integrate academic and occupational learning into the program;

(5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 6112 of this title, section 6113 of this title, or this section;

(6)(A) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program; and

(B) linking the participants with other community services that may be necessary to assure a successful transition from school to work;

(7) collecting and analyzing information regarding post-program outcomes of participants in the School-to-Work Opportunities program, to the extent practicable, on the basis of socioeconomic status, race, gender, ethnicity, culture, and disability, and on the basis of whether the participants are students with limited-English proficiency, school dropouts, disadvantaged students, or academically talented students; and

(8) linking youth development activities under this chapter with employer and industry strategies for upgrading the skills of their workers.

(Pub. L. 103-239, title I, §104, May 4, 1994, 108 Stat. 577.)

## SUBCHAPTER II—SCHOOL-TO-WORK OPPORTUNITIES SYSTEM DEVELOPMENT AND IMPLEMENTATION GRANTS TO STATES

### PART A—STATE DEVELOPMENT GRANTS

#### § 6121. Purpose

The purpose of this part is to assist States in planning and developing comprehensive statewide School-to-Work Opportunities systems.

(Pub. L. 103-239, title II, §201, May 4, 1994, 108 Stat. 578.)

#### § 6122. Authorization

##### (a) Grants to States

###### (1) In general

On the application of the Governor on behalf of a State in accordance with section 6123 of this title, the Secretaries may provide a development grant to the State in such amounts as the Secretaries determine to be necessary to enable such State to complete planning and development of a comprehensive statewide School-to-Work Opportunities system.

**(2) Amount**

The amount of a development grant under this section may not exceed \$1,000,000 for any fiscal year.

**(3) Completion**

The Secretaries may provide such grant to complete development of a statewide School-to-Work Opportunities systems initiated with funds received under the Job Training Partnership Act (29 U.S.C. 1501 et seq.)<sup>1</sup> or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

**(b) Grants to territories**

In providing grants under this section to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, the Secretaries shall use amounts reserved under section 6235(b)(1) of this title.

(Pub. L. 103-239, title II, §202, May 4, 1994, 108 Stat. 578.)

## REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (a)(3), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (a)(3), was Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which was classified generally to chapter 44 (§2301 et seq.) of this title, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

**§ 6123. Application****(a) In general**

The Secretaries may not provide a development grant under section 6122 of this title to a State unless the Governor of the State, on behalf of the State, submits to the Secretaries an application, at such time, in such form, and containing such information as the Secretaries may reasonably require.

**(b) Contents**

Such application shall include—

(1) a timetable and an estimate of the amount of funding needed to complete the planning and development necessary to implement a comprehensive statewide School-to-Work Opportunities system for all students;

(2) a description of how—

- (A) the Governor;
- (B) the State educational agency;
- (C) the State agency officials responsible for economic development;
- (D) the State agency officials responsible for employment;
- (E) the State agency officials responsible for job training;
- (F) the State agency officials responsible for postsecondary education;
- (G) the State agency officials responsible for vocational education;
- (H) the State agency officials responsible for vocational rehabilitation;
- (I) the individual assigned by the State under section 2321(b)(1)<sup>1</sup> of this title;
- (J) other appropriate officials, including the State human resource investment council established in accordance with title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.),<sup>1</sup> if the State has established such a council; and
- (K) representatives of the private sector;

will collaborate in the planning and development of the statewide School-to-Work Opportunities system;

(3) a description of the manner in which the State has obtained and will continue to obtain the active and continued participation, in the planning and development of the statewide School-to-Work Opportunities system, of employers and other interested parties, such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, Indian tribes, registered apprenticeship agencies, vocational educational agencies, vocational student organizations, and human service agencies;

(4) a description of the manner in which the State will coordinate planning activities with any local school-to-work programs, including programs funded under subchapter III of this chapter, if any;

(5) a designation of a fiscal agent to receive and be accountable for funds provided from a grant under section 6122 of this title; and

(6) a description of how the State will provide opportunities for students from low-income families, low-achieving students, students with limited-English proficiency, students with disabilities, students living in rural communities with low population densities, school dropouts, and academically talented students to participate in School-to-Work Opportunities programs.

**(c) Coordination with Goals 2000: Educate America Act**

A State seeking assistance under both this part and the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] may—

(1) submit a single application containing plans that meet the requirements of such part

<sup>1</sup> See References in Text note below.

<sup>1</sup> See References in Text note below.

and such Act and ensure that the plans are coordinated and not duplicative; or

(2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this part as an amendment to the Goals 2000: Educate America Act application if such amendment meets the requirements of this part and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

(Pub. L. 103-239, title II, §203, May 4, 1994, 108 Stat. 579.)

#### REFERENCES IN TEXT

Section 2321(b)(1) of this title, referred to in subsec. (b)(2)(I), was omitted in the general amendment of chapter 44 (§2301 et seq.) of this title by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

The Job Training Partnership Act, referred to in subsec. (b)(2)(J), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Title VII of the Act was classified to subchapter VI (§1792 et seq.) of chapter 19 of Title 29, Labor. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Goals 2000: Educate America Act, referred to in subsec. (c), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

#### § 6124. Approval of application

The Secretaries may approve an application submitted by a State under section 6123 of this title only if the State demonstrates in such application that the activities proposed to be undertaken by the State to develop a statewide School-to-Work Opportunities system are consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

(Pub. L. 103-239, title II, §204, May 4, 1994, 108 Stat. 580.)

#### REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in text, is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

#### § 6125. Use of amounts

The Secretaries may not provide a development grant under section 6122 of this title to a State unless the State agrees that the State will

use all amounts received from such grant for activities to develop a statewide School-to-Work Opportunities system, which may include—

(1) identifying or establishing an appropriate State structure to administer the statewide School-to-Work Opportunities system;

(2) identifying secondary and postsecondary school-to-work programs in existence on or after May 4, 1994, that might be incorporated into such system;

(3) identifying or establishing broad-based partnerships among employers, labor, education, government, and other community-based organizations and parent organizations to participate in the design, development, and administration of School-to-Work Opportunities programs;

(4) developing a marketing plan to build consensus and support for such programs;

(5) promoting the active involvement of business (including small- and medium-sized businesses) in planning, developing, and implementing local School-to-Work Opportunities programs, and in establishing partnerships between business and elementary schools and secondary schools (including middle schools);

(6) identifying ways that local school-to-work programs in existence on or after May 4, 1994, could be coordinated with the statewide School-to-Work Opportunities system;

(7) supporting local planning and development activities to provide guidance, training and technical assistance for teachers, employers, mentors, counselors, administrators, and others in the development of School-to-Work Opportunities programs;

(8) identifying or establishing mechanisms for providing training and technical assistance to enhance the development of the statewide School-to-Work Opportunities system;

(9) developing a training and technical support system for teachers, employers, mentors, counselors, related services personnel, and others that includes specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment;

(10) initiating pilot programs for testing key components of the program design of programs under the statewide School-to-Work Opportunities system;

(11) developing a State process for issuing skill certificates that is, to the extent feasible, consistent with the skill standards certification systems endorsed under the National Skill Standards Act of 1994;<sup>1</sup>

(12) designing challenging curricula, in cooperation with representatives of local partnerships, that take into account the diverse learning needs and abilities of the student population served by the statewide School-to-Work Opportunities system;

(13) developing a system for labor market analysis and strategic planning for local targeting of industry sectors or broad occupational clusters that can provide students with placements in high-skill workplaces;

<sup>1</sup> See References in Text note below.

(14) analyzing the post-high school employment experiences of recent high school graduates and school dropouts;

(15) preparing the plan described in section 6143(d) of this title;

(16) working with localities to develop strategies to recruit and retain all students in programs under this chapter through collaborations with community-based organizations, where appropriate, and other entities with expertise in working with such students;

(17) coordinating recruitment of out-of-school, at-risk, and disadvantaged youths with those organizations and institutions that have a successful history of working with such youths; and

(18) providing technical assistance to rural areas in planning, developing, and implementing local School-to-Work Opportunities programs that meet the needs of rural communities with low population densities.

(Pub. L. 103-239, title II, §205, May 4, 1994, 108 Stat. 580.)

#### REFERENCES IN TEXT

The National Skill Standards Act of 1994, referred to in par. (11), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which was classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title, prior to repeal by section 509(a) of Pub. L. 103-227, effective Sept. 30, 1999. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in par. (16), was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

### § 6126. Maintenance of effort

#### (a) In general

A State may receive a development grant under section 6122 of this title for a fiscal year only if the State provides assurances, satisfactory to the Secretaries, that—

(1) the amount of State funds expended per student by the State for school-to-work activities of the type described in subchapter I of this chapter for the preceding fiscal year was not less than 90 percent of the amount so expended for the second preceding fiscal year; or

(2) the aggregate amount of State funds expended by the State for such activities for the preceding fiscal year was not less than 90 percent of the amount so expended for the second preceding fiscal year.

#### (b) Waiver

##### (1) Determination

The Secretaries may jointly waive the requirements described in subsection (a) of this section for a State that requests such a waiver if the Secretaries determine that such a waiver would be equitable due to—

(A) exceptional or uncontrollable circumstances such as a natural disaster; or

(B) a precipitous decline in the financial resources of the State.

##### (2) Request

To be eligible to receive such a waiver, a State shall submit a request at such time, in

such form, and containing such information as the Secretaries may require.

(Pub. L. 103-239, title II, §206, May 4, 1994, 108 Stat. 581.)

### § 6127. Reports

The Secretaries may not provide a development grant under section 6122 of this title to a State unless the State agrees that the State will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

(Pub. L. 103-239, title II, §207, May 4, 1994, 108 Stat. 582.)

## PART B—STATE IMPLEMENTATION GRANTS

### § 6141. Purpose

The purpose of this part is to assist States in the implementation of comprehensive statewide School-to-Work Opportunities systems.

(Pub. L. 103-239, title II, §211, May 4, 1994, 108 Stat. 582.)

### § 6142. Authorization

#### (a) Grants to States

On the application of the Governor on behalf of a State in accordance with section 6143 of this title, the Secretaries may provide an implementation grant to the State in such amounts as the Secretaries determine to be necessary to enable such State to implement a comprehensive statewide School-to-Work Opportunities system.

#### (b) Grants to territories

In providing grants under this section to the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, the Secretaries shall use amounts reserved under section 6235(b)(1) of this title.

#### (c) Period of grant

The provision of payments under a grant under subsection (a) of this section shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.

#### (d) Limitation

A State shall be eligible to receive only 1 implementation grant under subsection (a) of this section.

(Pub. L. 103-239, title II, §212, May 4, 1994, 108 Stat. 582.)

### § 6143. Application

#### (a) In general

##### (1) Submission by Governor on behalf of State

Subject to paragraph (2), the Secretaries may not provide an implementation grant under section 6142 of this title to a State unless the Governor of the State, on behalf of the State, submits to the Secretaries an applica-

tion, at such time, in such form, and containing such information as the Secretaries may reasonably require.

**(2) Review and comment by certain individuals and entities**

If, after a reasonable effort, the Governor is unable in accordance with subsection (d)(4) of this section to obtain the support of the individuals and entities described in subparagraphs (A) through (J) of subsection (b)(4) of this section for the State plan described in subsection (d) of this section, then the Governor shall—

(A) provide such individuals and entities with copies of such application;

(B) allow such individuals and entities to submit to the Governor, not later than the end of the 30-day period beginning on the date on which the Governor provides such individuals and entities with copies of such application under subparagraph (A), comments on those portions of the plan that address matters that, under State or other applicable law, are under the jurisdiction of such individuals or entities; and

(C) include any such comments in the application in accordance with subsection (b)(5) of this section.

**(b) Contents**

Such application shall include—

(1) a plan for a comprehensive, statewide School-to-Work Opportunities system that meets the requirements of subsection (d) of this section;

(2) a description of the manner in which the State will allocate funds made available through such a grant to local partnerships under section 6145(b)(7) of this title;

(3) a request, if the State decides to submit such a request, for 1 or more waivers of certain statutory or regulatory requirements, as provided for under subchapter V of this chapter;

(4) a description of the manner in which—

(A) the Governor;

(B) the State educational agency;

(C) the State agency officials responsible for economic development;

(D) the State agency officials responsible for employment;

(E) the State agency officials responsible for job training;

(F) the State agency officials responsible for postsecondary education;

(G) the State agency officials responsible for vocational education;

(H) the State agency officials responsible for vocational rehabilitation;

(I) the individual assigned for the State under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1));<sup>1</sup>

(J) other appropriate officials, including the State human resource investment council established in accordance with title VII of the Job Training Partnership Act (29 U.S.C. 1792 et seq.),<sup>1</sup> if the State has established such a council; and

(K) representatives of the private sector;

collaborated in the development of the application;

(5) the comments submitted to the Governor under subsection (a)(2) of this section, where applicable; and

(6) such other information as the Secretaries may require.

**(c) Coordination with Goals 2000: Educate America Act**

A State seeking assistance under both this part and the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] may—

(1) submit a single application containing plans that meet the requirements of such part and such Act and ensure that the plans are coordinated and not duplicative; or

(2) if such State has already submitted its application for funds under the Goals 2000: Educate America Act, submit its application under this part as an amendment to the Goals 2000: Educate America Act application if such amendment meets the requirements of this part and is coordinated with and not duplicative of the Goals 2000: Educate America Act application.

**(d) State plan**

A State plan referred to in subsection (b)(1) of this section shall—

(1) designate the geographical areas, including urban and rural areas, to be served by local partnerships that receive grants under section 6145(b) of this title, which geographic areas shall, to the extent feasible, reflect local labor market areas;

(2) describe the manner in which the State will stimulate and support local School-to-Work Opportunities programs and the manner in which the statewide School-to-Work Opportunities system will be expanded over time to cover all geographic areas in the State, including urban and rural areas;

(3) describe the procedure by which the individuals and entities described in subsection (b)(4) of this section will collaborate in the implementation of the School-to-Work Opportunities system;

(4) demonstrate the support of individuals and entities described in subparagraphs (A) through (J) of subsection (b)(4) of this section for the plan, except in the case where the Governor is unable to obtain the support of such individuals and entities as provided in subsection (a)(2) of this section;

(5) describe the manner in which the State has obtained and will continue to obtain the active and continued involvement, in the statewide School-to-Work Opportunities system, of employers and other interested parties such as locally elected officials, secondary schools and postsecondary educational institutions (or related agencies), business associations, industrial extension centers, employees, labor organizations or associations of such organizations, teachers, related services personnel, students, parents, community-based organizations, rehabilitation agencies and organizations, registered apprenticeship agencies, local vocational educational agencies, vocational student organizations, State or regional cooperative education associations, and human service agencies;

<sup>1</sup> See References in Text note below.

(6) describe the manner in which the statewide School-to-Work Opportunities system will coordinate with or integrate local school-to-work programs in existence on or after May 4, 1994, including programs financed from State and private sources, with funds available from such related Federal programs as programs under—

(A) the Adult Education Act (20 U.S.C. 1201 et seq.);<sup>1</sup>

(B) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.);

(C) the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.];

(D) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(E) part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) relating to work activities;

(F) the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.];

(G) the National Skills<sup>2</sup> Standards Act of 1994;<sup>2</sup>

(H) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

(I) the Job Training Partnership Act (29 U.S.C. 1501 et seq.);<sup>1</sup>

(J) the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”); 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);

(K) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); and

(L) the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.);

(7) describe the strategy of the State for providing training for teachers, employers, mentors, counselors, related services personnel, and others, including specialized training and technical support for the counseling and training of women, minorities, and individuals with disabilities for high-skill, high-wage careers in nontraditional employment, and provide assurances of coordination with similar training and technical support under other provisions of law;

(8) describe how the State will adopt, develop, or assist local partnerships to adopt or develop model curricula and innovative instructional methodologies, to be used in the secondary, and where possible, the elementary grades, that integrate academic and vocational learning and promote career awareness, and that are consistent with academic and skill standards established pursuant to the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.] and the National Skill Standards Act of 1994;<sup>1</sup>

(9) describe how the State will expand and improve career and academic counseling in the elementary and secondary grades, which may include linkages to career counseling and labor market information services outside of the school system;

(10) describe the strategy of the State for integrating academic and vocational education;

(11) describe the resources, including private sector resources, the State intends to employ

in maintaining the statewide School-to-Work Opportunities system when funds under this chapter are no longer available;

(12) describe the extent to which the statewide School-to-Work Opportunities system will include programs that will require paid high-quality, work-based learning experiences, and the steps the State will take to generate such paid experiences;

(13) describe the manner in which the State will ensure effective and meaningful opportunities for all students in the State to participate in School-to-Work Opportunities programs;

(14) describe the goals of the State and the methods the State will use, such as awareness and outreach, to ensure opportunities for young women to participate in School-to-Work Opportunities programs in a manner that leads to employment in high-performance, high-paying jobs, including nontraditional employment, and goals to ensure an environment free from racial and sexual harassment;

(15) describe how the State will ensure opportunities for low achieving students, students with disabilities, school dropouts, and academically talented students to participate in School-to-Work Opportunities programs;

(16) describe the process of the State for assessing the skills and knowledge required in career majors, and the process for awarding skill certificates that is, to the extent feasible, consistent with the skills standards certification systems endorsed under the National Skill Standards Act of 1994;<sup>1</sup>

(17) describe the manner in which the State will ensure that students participating in the programs are provided, to the greatest extent possible, with flexibility to develop new career goals over time and to change career majors;

(18) describe the manner in which the State will, to the extent feasible, continue programs funded under subchapter III of this chapter in the statewide School-to-Work Opportunities system;

(19) describe how the State will serve students from rural communities with low population densities;

(20) describe how local School-to-Work Opportunities programs, including those funded under subchapter III of this chapter, if any, will be integrated into the statewide School-to-Work Opportunities system;

(21) describe the performance standards that the State intends to meet in establishing and carrying out the statewide School-to-Work Opportunities system, including how such standards relate to those performance standards established under other related programs;

(22) designate a fiscal agent to receive and be accountable for funds provided from a grant under section 6142 of this title; and

(23) describe the procedures to facilitate the entry of students participating in a School-to-Work Opportunities program into additional training or postsecondary education programs, as well as to facilitate the transfer of the students between education and training programs.

<sup>2</sup>So in original. Probably should be “Skill”. See References in Text note below.

(Pub. L. 103-239, title II, §213, May 4, 1994, 108 Stat. 583; Pub. L. 104-193, title I, §110(v), Aug. 22, 1996, 110 Stat. 2175.)

## REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsecs. (b)(4)(I) and (d)(6)(B), was Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which was classified generally to chapter 44 (§2301 et seq.) of this title, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Job Training Partnership Act, referred to in subsecs. (b)(4)(J) and (d)(6)(I), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Title VII of the Act was classified to subchapter VI (§1792 et seq.) of chapter 19 of Title 29. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Goals 2000: Educate America Act, referred to in subsecs. (c) and (d)(6)(F), (8), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Adult Education Act, referred to in subsec. (d)(6)(A), was title III of Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1216, as amended, which was classified generally to chapter 30 (§1201 et seq.) of this title, prior to repeal by Pub. L. 105-220, title II, §251(a)(1), Aug. 7, 1998, 112 Stat. 1079. For complete classification of this Act to the Code, see Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (d)(6)(C), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended, which is classified generally to chapter 70 (§6301 et seq.) 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.

The Higher Education Act of 1965, referred to in subsec. (d)(6)(D), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended, which is classified principally to chapter 28 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Social Security Act, referred to in subsec. (d)(6)(E), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title IV of the Act is classified generally to part A (§601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The National Skill Standards Act of 1994, referred to in subsec. (d)(6)(G), (8), (16), is title V of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 191, which was classified generally to subchapter V (§5931 et seq.) of chapter 68 of this title, prior to repeal by section 509(a) of Pub. L. 103-227, effective Sept. 30, 1999. For complete classification of this Act to the Code, see Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (d)(6)(H), is title VI of Pub. L.

91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Act of August 16, 1937, commonly known as the National Apprenticeship Act, referred to in subsec. (d)(6)(J), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, as amended, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (d)(6)(K), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The National and Community Service Act of 1990, referred to in subsec. (d)(6)(L), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

## AMENDMENTS

1996—Subsec. (d)(6)(E). Pub. L. 104-193 amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.);”.

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-193 effective July 1, 1997, with transition rules relating to State options to accelerate such date, rules relating to claims, actions, and proceedings commenced before such date, rules relating to closing out of accounts for terminated or substantially modified programs and continuance in office of Assistant Secretary for Family Support, and provisions relating to termination of entitlement under AFDC program, see section 116 of Pub. L. 104-193, as amended, set out as an Effective Date note under section 601 of Title 42, The Public Health and Welfare.

## § 6144. Review of application

## (a) Considerations

In evaluating applications submitted under section 6143 of this title, the Secretaries shall—

(1) give priority to applications that describe the highest levels of concurrence by the individuals and entities described in section 6143(b)(4) of this title with the State plan for the statewide School-to-Work Opportunities system;

(2) give priority to applications that require paid, high-quality work-based learning experiences as an integral part of such system; and

(3) take into consideration the quality of the application, including the replicability, sustainability, and innovation of School-to-Work Opportunities programs described in the application.

## (b) Approval criteria

The Secretaries—

(1) shall approve only those applications submitted under section 6143 of this title that demonstrate the highest levels of collaboration by the individuals and entities described in section 6143(b)(4) of this title in the development and implementation of the statewide School-to-Work system;

(2) shall approve an application submitted under section 6143 of this title only if the State provides the assurances described in sec-

tion 6126(a) of this title (relating to maintenance of effort) in accordance with such section, except that this requirement may be waived in accordance with section 6126(b) of this title; and

(3) may approve an application submitted under section 6143 of this title only if the State demonstrates in the application—

(A) that other Federal, State, and local resources will be used to implement the proposed State plan;

(B) the extent to which such plan would limit administrative costs and increase amounts spent on delivery of services to students enrolled in programs under this chapter;

(C) that the State, where appropriate, will ensure the establishment of a partnership in at least 1 urban and 1 rural area in the State; and

(D) that the State plan contained in such application is consistent with the State improvement plan for the State, if any, under the Goals 2000: Educate America Act [20 U.S.C. 5801 et seq.].

**(c) Actions**

**(1) In general**

In reviewing each application submitted under section 6143 of this title, the Secretaries shall determine whether the application and the plan described in such application meet the approval criteria in subsection (b) of this section.

**(2) Actions after affirmative determination**

If the determination under paragraph (1) is affirmative, the Secretaries may take 1 or more of the following actions:

(A) Provide an implementation grant under section 6142 of this title to the State submitting the application.

(B) Approve the request of the State, if any, for a waiver in accordance with the procedures set forth in subchapter V of this chapter.

**(3) Action after nonaffirmative determination**

If the determination under paragraph (1) is not affirmative, the Secretaries shall inform the State of the opportunity to apply for development funds under part A of this subchapter in accordance with such part.

**(d) Use of funds for review of applications**

The Secretaries may use amounts reserved under section 6235(b)(4) of this title for the review of applications submitted under section 6143 of this title.

(Pub. L. 103-239, title II, §214, May 4, 1994, 108 Stat. 586.)

REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in subsec. (b)(3)(D), is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

**§ 6145. Use of amounts**

**(a) In general**

The Secretaries may not provide an implementation grant under section 6142 of this title to a State unless the State agrees that the State will use all amounts received from such grant to implement the statewide School-to-Work Opportunities system in accordance with this section.

**(b) Subgrants to local partnerships**

**(1) Authority**

**(A) In general**

Except as provided in subparagraph (B), the State shall provide subgrants to local partnerships, according to criteria established by the State, for the purpose of carrying out School-to-Work Opportunities programs.

**(B) Prohibition**

The State shall not provide subgrants to local partnerships that have received implementation grants under subchapter III of this chapter, except that this prohibition shall not apply with respect to local partnerships that are located in high poverty areas, as such term is defined in section 6177 of this title.

**(2) Application**

A local partnership that seeks a subgrant to carry out a local School-to-Work Opportunities program, including a program initiated under section 6172 of this title, shall submit an application to the State that—

(A) describes how the program will include the program components described in sections 6112, 6113, and 6114 of this title and otherwise meet the requirements of this chapter;

(B) sets forth measurable program goals and outcomes;

(C) describes the local strategies and timetables of the local partnership to provide opportunities for all students in the area served to participate in a School-to-Work Opportunities program;

(D) describes the extent to which the program will require paid high-quality, work-based learning experiences, and the steps the local partnerships will take to generate such paid experiences;

(E) describes the process that will be used to ensure employer involvement in the development and implementation of the local School-to-Work Opportunities program;

(F) provides assurances that, to the extent practicable, opportunities provided to students to participate in a School-to-Work Opportunities program will be in industries and occupations offering high-skill, high-wage employment opportunities;

(G) provides such other information as the State may require; and

(H) is submitted at such time and in such form as the State may require.

**(3) Disapproval of application**

If the State determines that an application submitted by a local partnership does not meet the criteria under paragraph (2), or that

the application is incomplete or otherwise unsatisfactory, the State shall—

(A) notify the local partnership of the reasons for the failure to approve the application; and

(B) permit the local partnership to resubmit a corrected or amended application.

**(4) Allowable activities**

A local partnership shall expend funds provided through subgrants under this subsection only for activities undertaken to carry out local School-to-Work Opportunities programs, and such activities may include, for each such program—

(A) recruiting and providing assistance to employers, including small- and medium-size businesses, to provide the work-based learning components described in section 6113 of this title;

(B) establishing consortia of employers to support the School-to-Work Opportunities program and provide access to jobs related to the career majors of students;

(C) supporting or establishing intermediaries (selected from among the members of the local partnership) to perform the activities described in section 6114 of this title and to provide assistance to students or school dropouts in obtaining jobs and further education and training;

(D) designing or adapting school curricula that can be used to integrate academic, vocational, and occupational learning, school-based and work-based learning, and secondary and postsecondary education for all students in the area served;

(E) providing training to work-based and school-based staff on new curricula, student assessments, student guidance, and feedback to the school regarding student performance;

(F) establishing, in schools participating in the School-to-Work Opportunities program, a graduation assistance program to assist at-risk students, low-achieving students, and students with disabilities, in graduating from high school, enrolling in postsecondary education or training, and finding or advancing in jobs;

(G) providing career exploration and awareness services, counseling and mentoring services, college awareness and preparation services, and other services (beginning at the earliest possible age, but not later than the 7th grade) to prepare students for the transition from school to work;

(H) providing supplementary and support services, including child care and transportation, when such services are necessary for participation in a local School-to-Work Opportunities program;

(I) conducting or obtaining an in-depth analysis of the local labor market and the generic and specific skill needs of employers to identify high-demand, high-wage careers to target;

(J) integrating school-based and work-based learning into job training programs that are for school dropouts and that are in existence on or after May 4, 1994;

(K) establishing or expanding school-to-apprenticeship programs in cooperation with registered apprenticeship agencies and apprenticeship sponsors;

(L) assisting participating employers, including small- and medium-size businesses, to identify and train workplace mentors and to develop work-based learning components;

(M) promoting the formation of partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;

(N) designing local strategies to provide adequate planning time and staff development activities for teachers, school counselors, related services personnel, and school site mentors, including opportunities outside the classroom that are at the worksite;

(O) enhancing linkages between after-school, weekend, and summer jobs, career exploration, and school-based learning; and

(P) obtaining the assistance of organizations and institutions that have a history of success in working with school dropouts and at-risk and disadvantaged youths in recruiting such school dropouts and youths to participate in the local School-to-Work Opportunities program.

**(5) Local partnership compact**

The State may not provide a subgrant under paragraph (1) to a local partnership unless the partnership agrees that the local partnership will establish a process by which the responsibilities and expectations of students, parents, employers, and schools are clearly established and agreed upon at the point of entry of the student into a career major program of study.

**(6) Administrative costs**

The local partnership may not use more than 10 percent of amounts received from a subgrant under paragraph (1) for any fiscal year for administrative costs associated with activities in carrying out, but not including, activities under paragraphs (4) and (5) for such fiscal year.

**(7) Allocation requirements**

**(A) First year**

In the 1st fiscal year for which a State receives amounts from a grant under section 6142 of this title, the State shall use not less than 70 percent of such amounts to provide subgrants to local partnerships under paragraph (1).

**(B) Second year**

In the 2d fiscal year for which a State receives amounts from a grant under section 6142 of this title, the State shall use not less than 80 percent of such amounts to provide subgrants to local partnerships under paragraph (1).

**(C) Third year and succeeding years**

In the 3d fiscal year for which a State receives amounts from a grant under section 6142 of this title, and in each succeeding

year, the State shall use not less than 90 percent of such amounts to provide subgrants to local partnerships under paragraph (1).

**(c) Additional State activities**

In carrying out the statewide School-to-Work Opportunities system, the State may also—

(1) recruit and provide assistance to employers to provide work-based learning for all students;

(2) conduct outreach activities to promote and support collaboration, in School-to-Work Opportunities programs, by businesses, labor organizations, and other organizations;

(3) provide training for teachers, employers, workplace mentors, school site mentors, counselors, related services personnel, and other parties;

(4) provide labor market information to local partnerships that is useful in determining which high-skill, high-wage occupations are in demand;

(5) design or adapt model curricula that can be used to integrate academic, vocational, and occupational learning, school-based and work-based learning, and secondary and postsecondary education, for all students in the State;

(6) design or adapt model work-based learning programs and identify best practices for such programs;

(7) conduct outreach activities and provide technical assistance to other States that are developing or implementing School-to-Work Opportunities systems;

(8) reorganize and streamline school-to-work programs in the State to facilitate the development of a comprehensive statewide School-to-Work Opportunities system;

(9) identify ways that local school-to-work programs in existence on or after May 4, 1994, could be integrated with the statewide School-to-Work Opportunities system;

(10) design career awareness and exploration activities (beginning at the earliest possible age, but not later than the 7th grade), such as job shadowing, job site visits, school visits by individuals in various occupations, and mentoring;

(11) design and implement school-sponsored work experiences, such as school-sponsored enterprises and community development projects;

(12) promote the formation of partnerships between elementary schools and secondary schools (including middle schools) and local businesses as an investment in future workplace productivity and competitiveness;

(13) obtain the assistance of organizations and institutions that have a history of success in working with school dropouts and at-risk and disadvantaged youths in recruiting such school dropouts and youths to participate in the statewide School-to-Work Opportunities system;

(14) conduct outreach to all students in a manner that most appropriately meets their needs and the needs of their communities; and

(15) provide career exploration and awareness services, counseling and mentoring services, college awareness and preparation serv-

ices, and other services (beginning at the earliest possible age, but not later than the 7th grade) to prepare students for the transition from school to work.

(Pub. L. 103-239, title II, §215, May 4, 1994, 108 Stat. 587.)

**§ 6146. Allocation requirement**

The Secretaries shall establish the minimum and maximum amounts available for an implementation grant under section 6142 of this title, and shall determine the actual amount granted to any State under such section, based on such criteria as the scope and quality of the plan described in section 6143(d) of this title and the number of projected participants in programs carried out through the system.

(Pub. L. 103-239, title II, §216, May 4, 1994, 108 Stat. 591.)

**§ 6147. Limitation on administrative costs**

A State that receives an implementation grant under section 6142 of this title may not use more than 10 percent of the amounts received through the grant for any fiscal year for administrative costs associated with implementing the statewide School-to-Work Opportunities system for such fiscal year.

(Pub. L. 103-239, title II, §217, May 4, 1994, 108 Stat. 591.)

**§ 6148. Reports**

The Secretaries may not provide an implementation grant under section 6142 of this title to a State unless the State agrees that the State will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

(Pub. L. 103-239, title II, §218, May 4, 1994, 108 Stat. 591.)

PART C—DEVELOPMENT AND IMPLEMENTATION GRANTS FOR SCHOOL-TO-WORK PROGRAMS FOR INDIAN YOUTHS

**§ 6161. Authorization**

**(a) In general**

From amounts reserved under section 6235(b)(2) of this title, the Secretaries shall provide grants to establish and carry out School-to-Work Opportunities programs for Indian youths that involve Bureau funded schools (as defined in section 2019(3)<sup>1</sup> of title 25).

**(b) Additional authorities**

The Secretaries may carry out subsection (a) of this section through such means as the Secretaries find appropriate, including—

(1) the transfer of funds to the Secretary of the Interior; and

(2) the provision of financial assistance to Indian tribes and Indian organizations.

(Pub. L. 103-239, title II, §221, May 4, 1994, 108 Stat. 592.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

Section 2019(3) of title 25, referred to in subsec. (a), was omitted in the general amendment of chapter 22 (§2001 et seq.) of Title 25, Indians, by Pub. L. 103-382, title III, §381, Oct. 20, 1994, 108 Stat. 3979.

**§ 6162. Requirements**

In providing grants under section 6161 of this title, the Secretaries shall require recipients of such grants to comply with requirements similar to those requirements imposed on States under parts A and B of this subchapter.

(Pub. L. 103-239, title II, §222, May 4, 1994, 108 Stat. 592.)

## SUBCHAPTER III—FEDERAL IMPLEMENTATION GRANTS TO LOCAL PARTNERSHIPS

**§ 6171. Purposes**

The purposes of this subchapter are—

(1) to authorize the Secretaries to provide competitive grants directly to local partnerships in order to provide funding for communities that have built a sound planning and development base for School-to-Work Opportunities programs and are ready to begin implementing a local School-to-Work Opportunities program; and

(2) to authorize the Secretaries to provide competitive grants to local partnerships to implement School-to-Work Opportunities programs in high poverty areas of urban and rural communities to provide support for a comprehensive range of education, training, and support services for youths residing in such areas.

(Pub. L. 103-239, title III, §301, May 4, 1994, 108 Stat. 592.)

**§ 6172. Authorization****(a) Grants to local partnerships****(1) In general**

Subject to paragraph (2), the Secretaries may provide implementation grants, in accordance with competitive criteria established by the Secretaries, directly to local partnerships in States in such amounts as the Secretaries determine to be necessary to enable such partnerships to implement School-to-Work Opportunities programs.

**(2) Restrictions**

A local partnership—

(A) shall be eligible to receive only 1 grant under this subsection; and

(B) shall not be eligible to receive a grant under this subsection if such partnership is located in a State that—

(i) has been provided an implementation grant under section 6142 of this title; and

(ii) has received amounts from such grant for any fiscal year after the 1st fiscal year under such grant.

**(b) Grants to local partnerships in high poverty areas****(1) In general**

Subject to paragraphs (2) and (3), the Secretaries shall, from amounts reserved under sec-

tion 6235(b)(3) of this title, provide grants to local partnerships that are located in high poverty areas in States in such amounts as the Secretaries determine to be necessary to enable such partnerships to implement School-to-Work Opportunities programs in such areas.

**(2) Restriction**

A local partnership shall be eligible to receive only 1 grant under this subsection.

**(3) Priority**

In providing grants under paragraph (1), the Secretaries shall give priority to local partnerships that have a demonstrated effectiveness in the delivery of comprehensive vocational preparation programs with successful rates in job placement through cooperative activities among local educational agencies, local businesses, labor organizations, and other organizations.

**(c) Period of grant**

The provision of payments under a grant under subsection (a) or (b) of this section shall not exceed 5 fiscal years and shall be subject to the annual approval of the Secretaries and subject to the availability of appropriations for the fiscal year involved to make the payments.

(Pub. L. 103-239, title III, §302, May 4, 1994, 108 Stat. 592.)

**§ 6173. Application****(a) In general**

A local partnership that desires to receive a Federal implementation grant under section 6172 of this title shall submit an application to the Secretaries at such time and in such form as the Secretaries may require. The local partnership shall submit the application to the State for review and comment before submitting the application to the Secretaries.

**(b) Time limit for State review and comment****(1) In general**

The State shall provide for review and comment on the application under subsection (a) of this section not later than 30 days after the date on which the State receives the application from the local partnership.

**(2) Submission without State review and comment**

If the State does not provide review and comment within the 30-day time period specified in paragraph (1), the local partnership may submit the application to the Secretaries without first obtaining such review and comment.

**(c) Contents**

The application described in subsection (a) of this section shall include a plan for local School-to-Work Opportunities programs that—

(1) describes the manner in which the local partnership will meet the requirements of this chapter;

(2) includes the comments of the State on the plan, if any;

(3) contains information that is consistent with the information required to be submitted

as part of a State plan in accordance with paragraphs (5) through (17) and paragraph (23) of section 6143(d) of this title;

(4) designates a fiscal agent to receive and be accountable for funds under this section; and

(5) provides such other information as the Secretaries may require.

**(d) Use of funds for review of applications**

The Secretaries may use amounts reserved under section 6235(b)(4) of this title for the review of applications submitted under subsection (a) of this section.

(Pub. L. 103-239, title III, §303, May 4, 1994, 108 Stat. 593.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1), was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

**§ 6174. Use of amounts**

The Secretaries may not provide an implementation grant under section 6172 of this title to a local partnership unless the partnership agrees that it will use all amounts from such grant to carry out activities to implement a School-to-Work Opportunities program, including the activities described in section 6145(b)(4) of this title.

(Pub. L. 103-239, title III, §304, May 4, 1994, 108 Stat. 594.)

**§ 6175. Conformity with approved State plan**

The Secretaries shall not provide a grant under section 6172 of this title to a local partnership in a State that has an approved State plan unless the Secretaries determine, after consultation with the State, that the plan submitted by the partnership is in accordance with such approved State plan.

(Pub. L. 103-239, title III, §305, May 4, 1994, 108 Stat. 594.)

**§ 6176. Reports**

The Secretaries may not provide an implementation grant under section 6172 of this title to a local partnership unless the partnership agrees that the local partnership will submit to the Secretaries such reports as the Secretaries may reasonably require, relating to the use of amounts from such grant, except that the Secretaries may not require more than 1 such report during any 3-month period.

(Pub. L. 103-239, title III, §306, May 4, 1994, 108 Stat. 594.)

**§ 6177. “High poverty area” defined**

For purposes of this subchapter, the term “high poverty area” means an urban census tract, a contiguous group of urban census tracts, a block number area in a nonmetropolitan county, a contiguous group of block number areas in a nonmetropolitan county, or an Indian reservation (as defined in section 3202(9) of title 25), with a poverty rate of 20 percent or more among

individuals who have not attained the age of 22, as determined by the Bureau of the Census.

(Pub. L. 103-239, title III, §307, May 4, 1994, 108 Stat. 594.)

SUBCHAPTER IV—NATIONAL PROGRAMS

**§ 6191. Research, demonstration, and other projects**

**(a) In general**

The Secretaries shall conduct research and development projects and establish a program of experimental and demonstration projects, to further the purposes of this chapter.

**(b) Additional use of funds**

The Secretaries may provide assistance for programs or services authorized under any other provision of this chapter that are most appropriately administered at the national level and that will operate in, or benefit, more than 1 State.

(Pub. L. 103-239, title IV, §401, May 4, 1994, 108 Stat. 594.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

**§ 6192. Performance outcomes and evaluation**

**(a) In general**

The Secretaries, in collaboration with the States, shall by grant, contract, or otherwise, establish a system of performance measures for assessing State and local programs regarding—

(1) progress in the development and implementation of State plans described in section 6143(d) of this title that include the basic program components described in sections 6112, 6113, and 6114 of this title and otherwise meet the requirements of subchapter I of this chapter;

(2) participation in School-to-Work Opportunities programs by employers, schools, students, and school dropouts, including information on the gender, race, ethnicity, socioeconomic background, limited-English proficiency, and disability of all participants and whether the participants are academically talented students;

(3) progress in developing and implementing strategies for addressing the needs of students and school dropouts;

(4) progress in meeting the goals of the State to ensure opportunities for young women to participate in School-to-Work Opportunities programs, including participation in nontraditional employment through such programs;

(5) outcomes for participating students and school dropouts, by gender, race, ethnicity, socioeconomic background, limited-English proficiency, and disability of the participants, and whether the participants are academically talented students, including information on—

(A) academic learning gains;

(B) staying in school and attaining—

(i) a high school diploma, or a general equivalency diploma, or an alternative diploma or certificate for those students with disabilities for whom such alternative diploma or certificate is appropriate;

(ii) a skill certificate; and

(iii) a postsecondary degree;

(C) attainment of strong experience in and understanding of all aspects of the industry the students are preparing to enter;

(D) placement and retention in further education or training, particularly in the career major of the student; and

(E) job placement, retention, and earnings, particularly in the career major of the student; and

(6) the extent to which the program has met the needs of employers.

#### (b) Evaluation

Not later than September 30, 1998, the Secretaries shall complete a national evaluation of School-to-Work Opportunities programs funded under this chapter by grants, contracts, or otherwise, that will track and assess the progress of implementation of State and local programs and their effectiveness based on measures such as those measures described in subsection (a) of this section.

#### (c) Reports to Secretaries

##### (1) In general

Each State shall prepare and submit to the Secretaries periodic reports, at such intervals as the Secretaries may determine, containing information regarding the matters described in paragraphs (1) through (6) of subsection (a) of this section.

##### (2) Federal programs

Each State shall prepare and submit reports to the Secretaries, at such intervals as the Secretaries may determine, containing information on the extent to which Federal programs that are in existence on the date of submission of the report and that are implemented at the State or local level may be duplicative, outdated, overly restrictive, or otherwise counterproductive to the development of comprehensive statewide School-to-Work Opportunities systems.

(Pub. L. 103-239, title IV, § 402, May 4, 1994, 108 Stat. 594.)

#### § 6193. Training and technical assistance

##### (a) Purpose

The Secretaries shall work in cooperation with the States, the individuals assigned under section 2321(b)(1)<sup>1</sup> of this title, employers and their associations, secondary schools and post-secondary educational institutions, student and teacher organizations, labor organizations, and community-based organizations, to increase their capacity to develop and implement effective School-to-Work Opportunities programs.

##### (b) Authorized activities

The Secretaries shall provide, through grants, contracts, or otherwise—

(1) training, technical assistance, and other activities that will—

(A) enhance the skills, knowledge, and expertise of the personnel involved in planning and implementing State and local School-to-Work Opportunities programs, such as training of the personnel to assist students; and

(B) improve the quality of services provided to individuals served under this chapter;

(2) assistance to States and local partnerships involved in carrying out School-to-Work Opportunities programs in order to integrate resources available under this chapter with resources available under other Federal, State, and local authorities;

(3) assistance to States and such local partnerships, including local partnerships in rural communities with low population densities or in urban areas, to recruit employers to provide the work-based learning component, described in section 6113 of this title, of School-to-Work Opportunities programs; and

(4) assistance to States and local partnerships involved in carrying out School-to-Work Opportunities programs to design and implement school-sponsored enterprises.

(Pub. L. 103-239, title IV, § 403, May 4, 1994, 108 Stat. 596.)

#### REFERENCES IN TEXT

Section 2321(b)(1) of this title, referred to in subsection (a), was omitted in the general amendment of chapter 44 (§ 2301 et seq.) of this title by Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3076.

#### § 6194. Capacity Building and Information and Dissemination Network

The Secretaries, acting through such mechanisms as the Capacity Building and Information and Dissemination Network established under section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)),<sup>1</sup> the Educational Resources Information Center Clearinghouses referred to in the Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before November 5, 2002), and the National Network for Curriculum Coordination in Vocational and Technical Education under section 2402(c)<sup>1</sup> of this title, shall—

(1) collect and disseminate information—

(A) on successful School-to-Work Opportunities programs and innovative school- and work-based curricula;

(B) on research and evaluation conducted concerning school-to-work activities;

(C) that will assist States and local partnerships in undertaking labor market analysis, surveys, or other activities related to economic development;

(D) on skill certificates, skill standards, and related assessment technologies; and

(E) on methods for recruiting and building the capacity of employers to provide work-based learning opportunities; and

(2) facilitate communication and the exchange of information and ideas among States

<sup>1</sup> See References in Text note below.

<sup>1</sup> See References in Text note below.

and local partnerships carrying out School-to-Work Opportunities programs.

(Pub. L. 103-239, title IV, § 404, May 4, 1994, 108 Stat. 596; Pub. L. 107-279, title IV, § 404(e), Nov. 5, 2002, 116 Stat. 1986.)

#### REFERENCES IN TEXT

Section 453(b) of the Job Training Partnership Act (29 U.S.C. 1733(b)), referred to in text, which was classified to section 1733(b) of Title 29, Labor, was repealed by Pub. L. 105-220, title I, § 199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Educational Research, Development, Dissemination, and Improvement Act of 1994 (as such Act existed on the day before November 5, 2002), referred to in text, means title IX of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 212, which was classified principally to subchapter IX (§ 6001 et seq.) of chapter 68 of this title and was substantially repealed by Pub. L. 107-279, title IV, § 403(2), Nov. 5, 2002, 116 Stat. 1985. For complete classification of this Act to the Code, see section 6001 of this title and Tables.

Section 2402 of this title, referred to in text, was omitted in the general amendment of chapter 44 (§ 2301 et seq.) of this title by Pub. L. 105-332, § 1(b), Oct. 31, 1998, 112 Stat. 3076.

#### AMENDMENTS

2002—Pub. L. 107-279 inserted “(as such Act existed on the day before November 5, 2002)” after “Act of 1994” in introductory provisions.

### § 6195. Reports to Congress

#### (a) In general

Not later than 24 months after May 4, 1994, and every 12 months thereafter, the Secretaries shall prepare and submit a report to the Congress on all activities carried out pursuant to this chapter.

#### (b) Contents

The Secretaries shall, at a minimum, include in each such report—

- (1) information concerning the programs that receive assistance under this chapter;
- (2) a summary of the information contained in the State and local partnership reports submitted under subchapters II and III of this chapter and section 6192(c) of this title; and
- (3) information regarding the findings and actions taken as a result of any evaluation conducted by the Secretaries.

(Pub. L. 103-239, title IV, § 405, May 4, 1994, 108 Stat. 597.)

### § 6196. Funding

The Secretaries shall use funds reserved under section 6235(b)(4) of this title to carry out activities under this subchapter.

(Pub. L. 103-239, title IV, § 406, May 4, 1994, 108 Stat. 597.)

## SUBCHAPTER V—WAIVER OF STATUTORY AND REGULATORY REQUIREMENTS

### § 6211. State and local partnership requests and responsibilities for waivers

#### (a) State request for waiver

A State may submit to the Secretaries a request for a waiver of 1 or more requirements of the provisions of law referred to in sections 6212 and 6213 of this title, or of the regulations issued under such provisions, in order to carry out the statewide School-to-Work Opportunities system established by such State under part B of subchapter II of this chapter. The State may submit the request as a part of the application described in section 6143 of this title (or as an amendment to the application at any time after submission of the application). Such request may include a request for different waivers with respect to different areas within the State.

#### (b) Local partnership request for waiver

##### (1) In general

A local partnership that seeks a waiver of such a requirement shall submit an application for such waiver to the State, and the State shall determine whether to submit a request for a waiver to the Secretaries, as provided in subsection (a) of this section.

##### (2) Time limit

###### (A) In general

The State shall make a determination to submit or not submit the request for a waiver under paragraph (1) not later than 30 days after the date on which the State receives the application from the local partnership.

###### (B) Direct submission

###### (i) In general

If the State does not make a determination to submit or not submit the request within the 30-day time period specified in subparagraph (A), the local partnership may submit the application to the Secretaries.

###### (ii) Requirements

In submitting such an application, the local partnership shall obtain the agreement of the State involved to comply with the requirements of section 6212(a)(1)(C) or 6213(a)(1)(C) of this title, as appropriate, and comply with the other requirements of section 6212 or 6213 of this title, as appropriate, and of subsections (c) and (d) of this section, that would otherwise apply to a State submitting a request for a waiver. In reviewing such an application, the Secretaries shall comply with the requirements of such section and such subsections that would otherwise apply to the Secretaries with respect to review of such a request.

#### (c) Waiver criteria

Any such request by the State shall meet the criteria contained in section 6212 or 6213 of this title and shall specify the provisions or regulations referred to in such sections with respect to which the State seeks a waiver.

**(d) Support by appropriate State agencies**

In requesting such a waiver, the State shall provide evidence of support for the waiver request by the State agencies or officials with jurisdiction over the provisions or regulations that would be waived.

(Pub. L. 103-239, title V, §501, May 4, 1994, 108 Stat. 597.)

**§ 6212. Waiver authority of Secretary of Education****(a) Waiver authority****(1) In general**

Except as provided in subsection (c) of this section, the Secretary of Education may waive any requirement under any provision of law referred to in subsection (b) of this section, or of any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan—

(A) if, and only to the extent that, the Secretary of Education determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this chapter;

(B) if the State provides the Secretary of Education with documentation of the necessity for the waiver, including information concerning—

(i) the specific requirement that will be waived;

(ii) the specific positive outcomes expected from the waiver and why those outcomes cannot be achieved while complying with the requirement;

(iii) the process that will be used to monitor the progress of the State or local partnership in implementing the waiver; and

(iv) such other information as the Secretary of Education may require;

(C) if the State waives, or agrees to waive, similar requirements of State law; and

(D) if the State—

(i) has provided all local partnerships that carry out programs under this chapter, and local educational agencies participating in such a local partnership, in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver;

(ii) provides, to the extent feasible, to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal of the State to seek a waiver; and

(iii) has submitted the comments of the local partnerships and local educational agencies to the Secretary of Education.

**(2) Approval or disapproval**

The Secretary of Education shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—

(A) include the reasons for approving or disapproving the request, including a response to comments on the proposal; and

(B) in the case of a decision to approve the request, be disseminated by the State seek-

ing the waiver to interested parties, including educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

**(3) Approval criteria**

In approving a request under paragraph (2), the Secretary of Education shall consider the amount of State resources that will be used to implement the approved State plan.

**(4) Term**

Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Education may extend such period if the Secretary of Education determines that the waiver has been effective in enabling the State or local partnership to carry out the purposes of this chapter.

**(b) Included programs**

The provisions subject to the waiver authority of this section are—

(1) title I of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.];

(2) part A of title II of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6601 et seq.];

(3) part A of title V of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7201 et seq.];

(4) part B of title IX of the Elementary and Secondary Education Act of 1965 [20 U.S.C. 7821 et seq.];

(5) parts K through N of the Educational Research, Development, Dissemination, and Improvement Act of 1994;<sup>1</sup> and

(6) the Carl D. Perkins Vocational and Applied Technology Education Act [20 U.S.C. 2301 et seq.].

**(c) Waivers not authorized**

The Secretary of Education may not waive any requirement of any provision referred to in subsection (b) of this section, or of any regulation issued under such provision, relating to—

(1) the basic purposes or goals of such provision;

(2) maintenance of effort;

(3) comparability of services;

(4) the equitable participation of students attending private schools;

(5) student and parental participation and involvement;

(6) the distribution of funds to State or local educational agencies;

(7) the eligibility of an individual for participation in a program under such provision;

(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

(9) prohibitions or restrictions relating to the construction of buildings or facilities.

**(d) Termination of waivers**

The Secretary of Education shall periodically review the performance of any State, local partnership, or local educational agency, for which the Secretary of Education has granted a waiver under this section and shall terminate the wav-

<sup>1</sup> See References in Text note below.

er under this section if the Secretary of Education determines that the performance of the State, local partnership, or local educational agency that is affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(C) of this section.

(Pub. L. 103-239, title V, §502, May 4, 1994, 108 Stat. 598; Pub. L. 103-382, title III, §394(j)(2), Oct. 20, 1994, 108 Stat. 4029; Pub. L. 107-110, title X, §1076(q), Jan. 8, 2002, 115 Stat. 2092.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1)(A), (D)(i), (4), was in the original “this Act”, meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(1) to (4), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. Part A of title II of the Act is classified generally to part A (§6601 et seq.) of subchapter II of chapter 70 of this title. Part A of title V of the Act is classified generally to part A (§7201 et seq.) of subchapter V of chapter 70 of this title. Part B of title IX of the Act is classified generally to part B (§7821 et seq.) of subchapter IX 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.

The Educational Research, Development, Dissemination, and Improvement Act of 1994, referred to in subsec. (b)(5), is title IX of Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 212, as amended. Parts K to N of the Act were classified generally to parts G (§6053 et seq.), H (§6054 et seq.), I (§6055 et seq.), and J (§6056 et seq.), respectively, of subchapter IX of chapter 68 of this title, prior to repeal by Pub. L. 107-279, title IV, §403(2), Nov. 5, 2002, 116 Stat. 1985. For complete classification of this Act to the Code, see section 6001 of this title and Tables.

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (b)(6), was Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which was classified generally to chapter 44 (§2301 et seq.) of this title, prior to being amended generally and renamed the Carl D. Perkins Vocational and Technical Education Act of 1998 by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

#### AMENDMENTS

2002—Subsec. (b)(5). Pub. L. 107-110 amended par. (5) generally. Prior to amendment, par. (5) read as follows: “title XIII of the Elementary and Secondary Education Act of 1965; and”.

1994—Subsec. (b)(1) to (6). Pub. L. 103-382 amended pars. (1) to (6) generally. Prior to amendment, pars. (1) to (6) read as follows:

“(1) chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), including the Even Start programs carried out under part B of such chapter (20 U.S.C. 2741 et seq.);

“(2) part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2921 et seq.);

“(3) part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2981 et seq.);

“(4) part D of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3121 et seq.);

“(5) title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3171 et seq.); and

“(6) the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).”

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of this title.

### § 6213. Waiver authority of Secretary of Labor

#### (a) Waiver authority

##### (1) In general

Except as provided in subsection (b) of this section, the Secretary of Labor may waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.),<sup>1</sup> or of any regulation issued under such provision, for a State that requests such a waiver and has an approved State plan—

(A) if, and only to the extent that, the Secretary of Labor determines that such requirement impedes the ability of the State or a local partnership to carry out the purposes of this chapter;

(B) if the State provides the Secretary of Labor with documentation of the necessity for the waiver, including information concerning—

(i) the specific requirement that will be waived;

(ii) the specific positive outcomes expected from the waiver and why those outcomes cannot be achieved while complying with the requirement;

(iii) the process that will be used to monitor the progress of the State or local partnership in implementing the waiver; and

(iv) such other information as the Secretary of Labor may require;

(C) if the State waives, or agrees to waive, similar requirements of State law; and

(D) if the State—

(i) has provided all local partnerships that carry out programs under this chapter in the State with notice and an opportunity to comment on the proposal of the State to seek a waiver;

(ii) provides, to the extent feasible, to students, parents, advocacy and civil rights groups, and labor and business organizations an opportunity to comment on the proposal of the State to seek a waiver; and

(iii) has submitted the comments of the local partnerships to the Secretary of Labor.

##### (2) Approval or disapproval

The Secretary of Labor shall promptly approve or disapprove any request submitted pursuant to paragraph (1) and shall issue a decision that shall—

(A) include the reasons for approving or disapproving the request, including a response to comments on the proposal; and

(B) in the case of a decision to approve the request, be disseminated by the State seeking the waiver to interested parties, includ-

<sup>1</sup> See References in Text note below.

ing educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

**(3) Approval criteria**

In approving a request under paragraph (2), the Secretary of Labor shall consider the amount of State resources that will be used to implement the approved State plan.

**(4) Term**

Each waiver approved pursuant to this subsection shall be for a period not to exceed 5 years, except that the Secretary of Labor may extend such period if the Secretary of Labor determines that the waiver has been effective in enabling the State or local partnership to carry out the purposes of this chapter.

**(b) Waivers not authorized**

The Secretary of Labor may not waive any requirement under any provision of the Job Training Partnership Act (29 U.S.C. 1501 et seq.),<sup>1</sup> or of any regulation issued under such provision, relating to—

- (1) the basic purposes or goals of such provision;
- (2) maintenance of effort;
- (3) the distribution of funds;
- (4) the eligibility of an individual for participation in a program under such provision;
- (5) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or
- (6) prohibitions or restrictions relating to the construction of buildings or facilities.

**(c) Termination of waivers**

The Secretary of Labor shall periodically review the performance of any State or local partnership for which the Secretary of Labor has granted a waiver under this section and shall terminate the waiver under this section if the Secretary of Labor determines that the performance of the State or local partnership affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law as required or agreed to in accordance with subsection (a)(1)(C) of this section.

(Pub. L. 103-239, title V, §503, May 4, 1994, 108 Stat. 600.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsections (a)(1) and (b), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

**§ 6214. Combination of Federal funds for high poverty schools**

**(a) In general**

**(1) Purposes**

The purposes of this section are—

- (A) to integrate activities under this chapter with school-to-work activities carried out under other Acts; and
- (B) to maximize the effective use of resources.

**(2) Combination of funds**

To carry out such purposes, a local partnership that receives assistance under subchapter II or III of this chapter may carry out schoolwide school-to-work activities in schools that meet the requirements of subparagraphs (A) and (B) of section 263(g)(1) of the Job Training Partnership Act (29 U.S.C. 1643(g)(1)(A) and (B))<sup>1</sup> with funds obtained by combining—

- (A) Federal funds under this chapter; and
- (B) other Federal funds made available from among programs under—
  - (i) the provisions of law listed in paragraphs (2) through (6) of section 6212(b) of this title; and
  - (ii) the Job Training Partnership Act (29 U.S.C. 1501 et seq.).<sup>1</sup>

**(b) Use of funds**

A local partnership may use the Federal funds combined under subsection (a) of this section under the requirements of this chapter, except that the provisions relating to the matters specified in paragraphs (1) through (6) and paragraphs (8) and (9) of section 6212(c) of this title, and paragraphs (1) through (3) and paragraphs (5) and (6) of section 6213(b) of this title, that relate to the program through which the funds described in subsection (a)(2)(B) of this section were made available, shall remain in effect with respect to the use of such funds.

**(c) Additional information in application**

A local partnership seeking to combine funds under subsection (a) of this section shall include in the application of the local partnership under subchapter II or III of this chapter—

- (1) a description of the funds the local partnership proposes to combine under the requirements of this chapter;
- (2) the activities to be carried out with such funds;
- (3) the specific outcomes expected of participants in schoolwide school-to-work activities; and
- (4) such other information as the State, or Secretaries, as the case may be, may require.

**(d) Provision of information**

The local partnership shall, to the extent feasible, provide information on the proposed combination of Federal funds under subsection (a) of this section to educators, parents, students, advocacy and civil rights organizations, labor and business organizations, and the public.

(Pub. L. 103-239, title V, §504, May 4, 1994, 108 Stat. 601.)

<sup>1</sup> See References in Text note below.

## REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (a)(2), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, and was repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Section 263 of the Act was classified to section 1643 of Title 29. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Job Training Partnership Act to the Code, see Tables. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

**§ 6215. Combination of Federal funds by States for school-to-work activities**

**(a) In general**

**(1) Purposes**

The purposes of this section are—

(A) to integrate activities under this chapter with State school-to-work activities carried out under other Acts; and

(B) to maximize the effective use of resources.

**(2) Combination of funds**

To carry out such purposes, a State that has an approved State plan may carry out activities necessary to develop and implement a statewide School-to-Work Opportunities system with funds obtained by combining—

(A) Federal funds under this chapter; and

(B) other Federal funds that are made available under—

(i) section 2312(a)(3)<sup>1</sup> of this title;

(ii) section 202(c)(1)(C) or section 262(c)(1)(C) of the Job Training Partnership Act (29 U.S.C. 1602(c)(1)(C) or 1642(c)(1)(C));<sup>1</sup>

(iii) section 202(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in section 202(c)(3) of such Act; or

(iv) section 262(c)(1)(B) of the Job Training Partnership Act that would otherwise be available for the purposes described in section 262(c)(3) of such Act.

**(b) Use of funds**

A State may use, under the requirements of this chapter, Federal funds that are made available to the State and combined under subsection (a) of this section to carry out school-to-work activities, except that the provisions relating to the matters specified in section 6212(c) of this title, and section 6213(b) of this title, that relate to the program through which the funds described in subsection (a)(2)(B) of this section were made available, shall remain in effect with respect to the use of such funds.

**(c) Additional information in application**

A State seeking to combine funds under subsection (a) of this section shall include in the

application described in section 6143 of this title—

(1) a description of the funds the State proposes to combine under the requirements of this chapter;

(2) the activities to be carried out with such funds;

(3) the specific outcomes expected of participants in school-to-work activities;

(4) formal evidence of support for the request by the State agencies or officials with jurisdiction over the funds that would be combined; and

(5) such other information as the Secretaries may require.

**(d) Extension**

The authority of a State to combine funds under this section shall not exceed 5 years, except that the Secretaries may extend such period if the Secretaries determine that an extension of such authority would further the purposes of this chapter.

**(e) Limitation**

Nothing in this section shall be construed to relieve a State of an obligation to conduct the activities required under section 2331(b)<sup>1</sup> of this title.

(Pub. L. 103-239, title V, §505, May 4, 1994, 108 Stat. 602.)

## REFERENCES IN TEXT

Sections 2312 and 2331 of this title, referred to in subsecs. (a)(2)(B)(i) and (e), were omitted in the general amendment of chapter 44 (§2301 et seq.) of this title by Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3076.

Sections 202 and 262 of the Job Training Partnership Act, referred to in subsec. (a)(2)(B)(ii) to (iv), which were classified to sections 1602 and 1642, respectively, of Title 29, Labor, were repealed by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. Pursuant to section 2940(b) of Title 29, references to a provision of the Job Training Partnership Act, effective Aug. 7, 1998, are deemed to refer to that provision or the corresponding provision of the Workforce Investment Act of 1998, Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and effective July 1, 2000, are deemed to refer to the corresponding provision of the Workforce Investment Act of 1998. For complete classification of the Workforce Investment Act of 1998 to the Code, see Short Title note set out under section 9201 of this title and Tables.

## SUBCHAPTER VI—GENERAL PROVISIONS

**§ 6231. Requirements**

The following requirements shall apply to programs under this chapter:

**(1) Prohibition on displacement**

No student participating in such a program shall displace any currently employed worker (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits).

**(2) Prohibition on impairment of contracts**

No such program shall impair existing contracts for services or collective bargaining agreements, and no such program that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

<sup>1</sup> See References in Text note below.

**(3) Prohibition on replacement**

No student participating in such a program shall be employed or fill a job—

(A) when any other individual is on temporary layoff, with the clear possibility of recall, from the same or any substantially equivalent job with the participating employer; or

(B) when the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling the vacancy so created with the student.

**(4) Workplaces**

Students participating in such programs shall be provided with adequate and safe equipment and safe and healthful workplaces in conformity with all health and safety requirements of Federal, State, and local law.

**(5) Effect on other laws**

Nothing in this chapter shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, ethnicity, national origin, gender, age, or disability, or to modify or affect any right to enforcement of this chapter that may exist under other Federal laws, except as expressly provided by this chapter.

**(6) Prohibition concerning wages**

Funds appropriated under authority of this chapter shall not be expended for wages of students or workplace mentors participating in such programs.

**(7) Other requirements**

The Secretaries shall establish such other requirements as the Secretaries may determine to be appropriate, in order to ensure that participants in programs under this chapter are afforded adequate supervision by skilled adult workers, or to otherwise further the purposes of this chapter.

(Pub. L. 103-239, title VI, § 601, May 4, 1994, 108 Stat. 603.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 103-239, May 4, 1994, 108 Stat. 568, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6101 of this title and Tables.

**§ 6232. Sanctions****(a) Termination or suspension of assistance****(1) In general**

The Secretaries may terminate or suspend any financial assistance under this chapter, in whole or in part, or not make payments under a grant awarded under this chapter, if the Secretaries determine that a recipient has failed to meet any requirements of this chapter, including—

(A) reporting requirements under section 6192(c) of this title;

(B) regulations under this chapter; or

(C) requirements of an approved State plan.

**(2) Notice and opportunity for hearing**

If the Secretaries terminate or suspend such financial assistance, or do not make such payments under paragraph (1), with respect to a recipient, then the Secretaries shall provide—

(A) prompt notice to such recipient; and

(B) the opportunity for a hearing to such recipient not later than 30 days after the date on which such notice is provided.

**(b) Nondelegation**

The Secretaries shall not delegate any of the functions or authority specified in this section, other than to an officer whose appointment is required to be made by and with the advice and consent of the Senate.

(Pub. L. 103-239, title VI, § 602, May 4, 1994, 108 Stat. 604.)

**§ 6233. State authority**

Nothing in this chapter shall be construed to negate or supersede the legal authority, under State law or other applicable law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official. Nothing in this chapter shall be construed to interfere with the authority of such agency, entity, or official to enter into a contract under any provision of law.

(Pub. L. 103-239, title VI, § 603, May 4, 1994, 108 Stat. 604.)

**§ 6234. Prohibition on Federal mandates, direction, and control**

Nothing in this chapter shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, or school's curriculum, program of instruction, or allocation of State or local resources or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this chapter.

(Pub. L. 103-239, title VI, § 604, May 4, 1994, 108 Stat. 605.)

**§ 6235. Authorization of appropriations****(a) In general**

There are authorized to be appropriated to the Secretaries to carry out this chapter \$300,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996 through 1999.

**(b) Reservations**

From amounts appropriated under subsection (a) of this section for any fiscal year, the Secretaries—

(1) shall reserve not more than ½ of 1 percent of such amounts for such fiscal year to provide grants under sections 6122 and 6142 of this title to the jurisdictions described in section 6122(b) of this title;

(2) shall reserve not more than ½ of 1 percent of such amounts for such fiscal year to provide grants under part C of subchapter II of this chapter to establish and carry out School-to-Work Opportunities programs for Indian