

109TH CONGRESS
1ST SESSION

S. 1483

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Referred to the Committee on Education and the Workforce

AN ACT

To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to modify the definition of “Indian student count”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. DEFINITION OF INDIAN STUDENT COUNT.**

2 Section 117(h) of the Carl D. Perkins Vocational and
3 Technical Education Act of 1998 (20 U.S.C. 2327(h)) is
4 amended by striking paragraph (2) and inserting the fol-
5 lowing:

6 “(2) INDIAN STUDENT COUNT.—

7 “(A) IN GENERAL.—The term ‘Indian stu-
8 dent count’ means a number equal to the total
9 number of Indian students enrolled in each trib-
10 ally-controlled postsecondary vocational and
11 technical institution, as determined in accord-
12 ance with subparagraph (B).

13 “(B) DETERMINATION.—

14 “(i) ENROLLMENT.—For each aca-
15 demic year, the Indian student count shall
16 be determined on the basis of the enroll-
17 ments of Indian students as in effect at
18 the conclusion of—

19 “(I) in the case of the fall term,
20 the third week of the fall term; and

21 “(II) in the case of the spring
22 term, the third week of the spring
23 term.

24 “(ii) CALCULATION.—For each aca-
25 demic year, the Indian student count for a
26 tribally-controlled postsecondary vocational

1 and technical institution shall be the
2 quotient obtained by dividing—

3 “(I) the sum of the credit-hours
4 of all Indian students enrolled in the
5 tribally-controlled postsecondary voca-
6 tional and technical institution (as de-
7 termined under clause (i)); by

8 “(II) 12.

9 “(iii) SUMMER TERM.—Any credit
10 earned in a class offered during a summer
11 term shall be counted in the determination
12 of the Indian student count for the suc-
13 ceeding fall term.

14 “(iv) STUDENTS WITHOUT SEC-
15 ONDARY SCHOOL DEGREES.—

16 “(I) IN GENERAL.—A credit
17 earned at a tribally-controlled postsec-
18 ondary vocational and technical insti-
19 tution by any Indian student that has
20 not obtained a secondary school de-
21 gree (or the recognized equivalent of
22 such a degree) shall be counted to-
23 ward the determination of the Indian
24 student count if the institution at
25 which the student is enrolled has es-

1 established criteria for the admission of
2 the student on the basis of the ability
3 of the student to benefit from the
4 education or training of the institu-
5 tion.

6 “(II) PRESUMPTION.—The insti-
7 tution shall be presumed to have es-
8 tablished the criteria described in sub-
9 clause (I) if the admission procedures
10 for the institution include counseling
11 or testing that measures the aptitude
12 of a student to successfully complete a
13 course in which the student is en-
14 rolled.

15 “(III) CREDITS TOWARD SEC-
16 ONDARY SCHOOL DEGREE.—No credit
17 earned by an Indian student for the
18 purpose of obtaining a secondary
19 school degree (or the recognized
20 equivalent of such a degree) shall be
21 counted toward the determination of
22 the Indian student count under this
23 clause.

24 “(v) CONTINUING EDUCATION PRO-
25 GRAMS.—Any credit earned by an Indian

1 student in a continuing education program
2 of a tribally-controlled postsecondary voca-
3 tional and technical institution shall be in-
4 cluded in the determination of the sum of
5 all credit hours of the student if the credit
6 is converted to a credit-hour basis in ac-
7 cordance with the system of the institution
8 for providing credit for participation in the
9 program.”.

Passed the Senate July 26, 2005.

Attest: EMILY J. REYNOLDS,
Secretary.