

109TH CONGRESS  
1ST SESSION

# S. 1483

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

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IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. MCCAIN (for himself and Mr. DORGAN) introduced the following bill;  
which was read twice, considered, read the third time, and passed

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## A BILL

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,*

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

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

8               “(2) INDIAN STUDENT COUNT.—

9               “(A) IN GENERAL.—The term ‘Indian stu-  
10       dent count’ means a number equal to the total

number of Indian students enrolled in each tribally-controlled postsecondary vocational and technical institution, as determined in accordance with subparagraph (B).

“(B) DETERMINATION.—

“(i) ENROLLMENT.—For each academic year, the Indian student count shall be determined on the basis of the enrollments of Indian students as in effect at the conclusion of—

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

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

“(ii) CALCULATION.—For each academic year, the Indian student count for a tribally-controlled postsecondary vocational and technical institution shall be the quotient obtained by dividing—

“(I) the sum of the credit-hours of all Indian students enrolled in the tribally-controlled postsecondary vocational and technical institution (as determined under clause (i)); by

“(II) 12.

“(iii) SUMMER TERM.—Any credit earned in a class offered during a summer term shall be counted in the determination of the Indian student count for the succeeding fall term.

“(iv) STUDENTS WITHOUT SECONDARY SCHOOL DEGREES.—

“(I) IN GENERAL.—A credit earned at a tribally-controlled postsecondary vocational and technical institution by any Indian student that has not obtained a secondary school degree (or the recognized equivalent of such a degree) shall be counted toward the determination of the Indian student count if the institution at which the student is enrolled has established criteria for the admission of the student on the basis of the ability of the student to benefit from the education or training of the institution.

“(II) PRESUMPTION.—The institution shall be presumed to have es-

1           tablished the criteria described in sub-  
2           clause (I) if the admission procedures  
3           for the institution include counseling  
4           or testing that measures the aptitude  
5           of a student to successfully complete a  
6           course in which the student is en-  
7           rolled.

8                   “(III) CREDITS TOWARD SEC-  
9           ONDARY SCHOOL DEGREE.—No credit  
10          earned by an Indian student for the  
11          purpose of obtaining a secondary  
12          school degree (or the recognized  
13          equivalent of such a degree) shall be  
14          counted toward the determination of  
15          the Indian student count under this  
16          clause.

17                   “(v) CONTINUING EDUCATION PRO-  
18          GRAMS.—Any credit earned by an Indian  
19          student in a continuing education program  
20          of a tribally-controlled postsecondary voca-  
21          tional and technical institution shall be in-  
22          cluded in the determination of the sum of  
23          all credit hours of the student if the credit  
24          is converted to a credit-hour basis in ac-  
25          cordance with the system of the institution

- 1 for providing credit for participation in the
- 2 program.”.

