

109TH CONGRESS
1ST SESSION

S. 1483

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:

Secretary.

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