

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

PART C—BUSINESS WORKFORCE PARTNERSHIPS FOR JOB SKILL TRAINING IN HIGH-GROWTH OCCUPATIONS OR INDUSTRIES

§ 1161c. Business workforce partnerships for job skill training in high-growth occupations or industries

(a) Purpose

The purpose of this section is to provide grants to institutions of higher education partnering with employers to—

- (1) provide relevant job skill training in high-growth and high-wage industries or occupations to nontraditional students; and
- (2) strengthen ties between degree credit offerings at institutions of higher education and business and industry workforce needs.

(b) Authorization**(1) In general**

From the amounts appropriated under subsection (k), the Secretary shall award grants, on a competitive basis, to eligible partnerships for the purpose provided in subsection (a).

(2) Duration

The Secretary shall award grants under this section for a period of not less than 36 months and not more than 60 months.

(3) Supplement, not supplant

Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds available to the eligible partnership for carrying out the activities described in subsection (c).

(c) Use of funds

In consultation with all of the members of an eligible partnership, grant funds provided under this section may be used to—

- (1) expand or create for-credit academic programs or programs of training that provide relevant job skill training for high-growth and high-wage occupations or industries, including offerings connected to registered apprenticeship programs and entrepreneurial training opportunities;
- (2) in consultation with faculty in the appropriate departments of an institution of higher education, adapt college offerings to the schedules and needs of working students, such as the creation of evening, weekend, modular, compressed, or distance learning formats;
- (3) purchase equipment that will facilitate the development of academic programs or programs of training that provide training for high-growth and high-wage occupations or industries;
- (4) strengthen outreach efforts that enable students, including students with limited English proficiency, to attend institutions of higher education with academic programs or programs of training focused on high-growth and high-wage occupations or industries;

(5) expand worksite learning and training opportunities, including registered apprenticeships as appropriate; and

(6) support other activities the Secretary determines to be consistent with the purpose of this section.

(d) Application**(1) In general**

Each eligible partnership that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) Contents

Each application submitted under paragraph (1) shall include a description of—

- (A) how the eligible partnership, through the institution of higher education, will provide relevant job skill training for students to enter high-growth and high-wage occupations or industries; and
- (B) how the eligible partnership has consulted with employers and, where applicable, labor organizations to identify local high-growth and high-wage occupations or industries.

(e) Award basis

In awarding grants under this section, the Secretary shall—

- (1) give priority to applications focused on serving nontraditional students;
- (2) ensure an equitable distribution of grant funds under this section among urban and rural areas of the United States; and
- (3) take into consideration the capability of an institution of higher education that is participating in an eligible partnership to—
 - (A) offer one- or two-year high-quality programs of instruction and job skill training for students entering a high-growth and high-wage occupation or industry;
 - (B) involve the local business community, and to place graduates in employment in high-growth and high-wage occupations or industries in the community; and
 - (C) serve adult workers or displaced workers.

(f) Administrative costs

A grantee under this section may use not more than five percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(g) Technical assistance

The Secretary shall provide technical assistance to grantees under this section throughout the grant period.

(h) Evaluation

The Secretary shall conduct an evaluation of the effectiveness of the program under this section based on performance standards developed in consultation with the Department of Labor, and shall disseminate to the public the findings of such evaluation and information related to promising practices developed under this section.

(i) Report to Congress

Not later than 36 months after the first grant is awarded under this section, the Comptroller

General shall report to the authorizing committees recommendations—

(1) for changes to this chapter and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 [20 U.S.C. 2301 et seq.] and the Workforce Innovation and Opportunity Act (including titles I and II [29 U.S.C. 3111 et seq., 3271 et seq.]), to help create and sustain business and industry workforce partnerships at institutions of higher education; and

(2) for other changes to this chapter and related Acts to otherwise strengthen the links between business and industry workforce needs, workforce development programs, and other degree credit offerings at institutions of higher education.

(j) Definitions

In this section:

(1) Eligible partnership

(A) In general

The term “eligible partnership” means a partnership that includes—

(i) one or more institutions of higher education, one of which serves as the fiscal agent and grant recipient for the eligible partnership;

(ii) except as provided in subparagraph (B), an employer, group of employers, local board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102]), or workforce intermediary, or any combination thereof; and

(iii) where applicable, one or more labor organizations that represent workers locally in the businesses or industries that are the focus of the partnership, including as a result of such an organization’s representation of employees at a worksite at which the partnership proposes to conduct activities under this section.

(B) State and local boards

Notwithstanding subparagraph (A), if an institution of higher education that is participating in an eligible partnership under this section is located in a State that does not operate local boards, an eligible partnership may include a State board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act [29 U.S.C. 3102]).

(C) Rule of construction

Nothing in this subsection shall be construed to prohibit an eligible partnership that is in existence on August 14, 2008, from applying for a grant under this section.

(2) Nontraditional student

The term “nontraditional student” means a student—

(A) who is an independent student, as defined in section 1087vv(d) of this title;

(B) who attends an institution of higher education—

(i) on less than a full-time basis;

(ii) via evening, weekend, modular, or compressed courses; or

(iii) via distance education methods; and

(C) who—

(i) enrolled for the first time in an institution of higher education three or more years after completing high school; or

(ii) works full-time.

(k) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VIII, §803, as added Pub. L. 110-315, title VIII, §801, Aug. 14, 2008, 122 Stat. 3382; amended Pub. L. 113-128, title V, §512(n)(5), July 22, 2014, 128 Stat. 1710.)

Editorial Notes

REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (i)(1), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (i)(1), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§3101 et seq.) of Title 29, Labor, repealed chapter 30 (§2801 et seq.) of Title 29 and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. Titles I and II of the Act are classified generally to subchapters I (§3111 et seq.) and II (§3271 et seq.), respectively, of chapter 32 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

AMENDMENTS

2014—Subsec. (i)(1). Pub. L. 113-128, §512(n)(5)(A), substituted “for changes to this chapter and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Innovation and Opportunity Act (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education” for “for changes to this chapter and related Acts, such as the Carl D. Perkins Career and Technical Education Act of 2006 and the Workforce Investment Act of 1998 (including titles I and II), to help create and sustain business and industry workforce partnerships at institutions of higher education”.

Subsec. (j)(1)(A)(ii). Pub. L. 113-128, §512(n)(5)(B)(i), substituted “local board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)” for “local board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))”.

Subsec. (j)(1)(B). Pub. L. 113-128, §512(n)(5)(B)(ii), substituted “a State board (as such term is defined in section 3 of the Workforce Innovation and Opportunity Act)” for “a State board (as such term is defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801))”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

PART D—CAPACITY FOR NURSING STUDENTS AND FACULTY

§ 1161d. Capacity for nursing students and faculty**(a) Authorization**

From the amounts appropriated under subsection (f), the Secretary shall award grants to institutions of higher education that offer—

(1) an accredited registered nursing program at the baccalaureate or associate degree level to enable such program to expand the faculty and facilities of such program to accommodate additional students in such program; or

(2) an accredited graduate-level nursing program to accommodate advanced practice degrees for registered nurses or to accommodate students enrolled in such program to become teachers of nursing students.

(b) Determination of number of students and application

Each institution of higher education that offers a program described in subsection (a) that desires to receive a grant under this section shall—

(1) determine, for the four academic years preceding the academic year for which the determination is made, the average number of matriculated nursing program students, in each of the institution's accredited associate, baccalaureate, or advanced nursing degree programs at such institution for such academic years;

(2) submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require, including the average number in each of the institution's accredited nursing programs determined under paragraph (1); and

(3) with respect to the partnerships described in subsection (c)(2)(B), provide assurances that—

(A) the individuals enrolled in the program will—

(i) be registered nurses in pursuit of a master's or doctoral degree in nursing; and

(ii) have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

(B) the hospital or health facility of employment will be the clinical site for the accredited school of nursing program, if the program requires a clinical site;

(C) individuals enrolled in the program will—

(i) maintain their employment on at least a part-time basis with the hospital or health facility that allowed them to participate in the program; and

(ii) receive an income from the hospital or health facility, as at least a part-time employee, and release times or flexible schedules, to accommodate their program requirements, as necessary; and

(D) upon completion of the program, recipients of scholarships described in subsection (c)(2)(B)(ii)(III) will be required to teach for two years in an accredited school

of nursing for each year of support the individual received under this section.

(c) Grant amount; award basis**(1) Grant amount**

For each academic year after academic year 2009–2010, the Secretary is authorized to provide to each institution of higher education awarded a grant under this section an amount that is equal to \$3,000 multiplied by the number by which—

(A) the number of matriculated nursing program students at such institution for such academic year, exceeds

(B) the average number determined with respect to such institution under subsection (b)(1).

(2) Distribution of grants among different degree programs**(A) In general**

Subject to subparagraph (D), from the funds available to award grants under this section for each fiscal year, the Secretary shall—

(i) use 20 percent of such funds to award grants under this section to institutions of higher education for the purpose of accommodating advanced practice degrees or students in accredited graduate-level nursing programs;

(ii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the baccalaureate degree level; and

(iii) use 40 percent of such funds to award grants under this section to institutions of higher education for the purpose of expanding accredited registered nurse programs at the associate degree level.

(B) Optional uses of funds

Grants awarded under this section may be used to support partnerships with hospitals or health facilities to—

(i) improve the alignment between nursing education and the emerging challenges of health care delivery by—

(I) the purchase of distance learning technologies and expanding methods of delivery of instruction to include alternatives to onsite learning; and

(II) the collection, analysis, and dissemination of data on educational outcomes and best practices identified through the activities described in this section; and

(ii) ensure that students can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty by—

(I) funding release time for qualified nurses enrolled in the graduate nursing program;

(II) providing for faculty salaries; or

(III) providing scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program.