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*Career and Technical Education: Selected Changes Made by  
P.L. 109-270*

Rebecca R. Skinner and Richard N. Apling, Domestic Social Policy Division

August 23, 2006

**Abstract.** This report analyzes selected changes that P.L. 109-270 made to Perkins III. It begins with a detailed analysis of changes to funding formulas - both state allotments and within state allocations. Following this discussion, the report analyzes changes in accountability requirements, including changes to the core indicators of performance and data reporting, and related sanctions. Changes to state and local plans and uses of funds are then considered. The next section of the report examines changes made to the tech-prep program. The report concludes with changes made to the general provisions of the bill, most notably with respect to the equitable participation of private school students in career and technical education programs.





# Career and Technical Education: Selected Changes Made by P.L. 109-270

**Rebecca R. Skinner**

Specialist in Education Policy

**Richard N. Apling**

Specialist in Education Policy

August 23, 2006

## Summary

The federal government currently provides support for career and technical education through the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III; P.L. 105-332). The act authorized funding for vocational and technical education through FY2003, although the Congress continued to provide funding under the act through FY2006. The 109<sup>th</sup> Congress has reauthorized the Perkins Act. On August 12, 2006, the Carl D. Perkins Career and Technical Education Improvement Act of 2006 was signed into law (Perkins IV; P.L. 109-270).

While many aspects of the Perkins Act remain intact, Perkins IV made several key changes to the act:

- refers to career and technical education rather than vocational and technical education;
- retains the basic state grant formula for allocating funds to states if appropriations are level funded or decreasing, but implements a modified formula if appropriations increase;
- establishes separate core indicators of performance for the secondary and postsecondary levels;
- modifies the required contents of state and local plans, including adding linkages between the Perkins Act and the Elementary and Secondary Education Act, as modified by the No Child Left Behind Act;
- requires eligible agencies and eligible recipients to meet at least 90% of their adjusted levels of performance on each of their core indicators of performance or be required to develop and implement an improvement plan;
- allows the Secretary of Education to withhold only state leadership and administrative funds from eligible agencies that fail to make progress or show improvement, but no longer allows funds withheld to be redistributed to other eligible agencies;
- permits eligible agencies to withhold funds from eligible recipients failing to make progress or show improvement;
- modifies the required and allowable uses of state leadership funds;
- modifies the required and allowable uses of local funds; and
- maintains the tech-prep program as a separate program, but permits eligible agencies to consolidate their funding under the basic state grants program and the tech-prep program.

This report will not be updated.

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## Introduction

The federal government currently provides support for career and technical education through the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III; P.L. 105-332).<sup>1</sup> The act authorized funding for vocational and technical education through FY2003, although the Congress continued to provide funding under the act through FY2006. The 109<sup>th</sup> Congress has passed and the President has signed the Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins IV; P.L. 109-270), which reauthorizes and amends the Perkins Act.<sup>2</sup>

The House version of the legislation (the Vocational and Technical Education for the Future Act, H.R. 366) was introduced on January 26, 2005. On March 17, 2005, the House Committee on Education and the Workforce reported H.R. 366 (H.Rept. 109-25). By a vote of 416 to 9, the House passed H.R. 366 on May 4, 2005.

The Senate version of the legislation was introduced as S. 250 on February 1, 2005. The Senate Committee on Health, Education, Labor, and Pensions (HELP) reported S. 250 on March 9, 2005, without a written committee report.<sup>3</sup> The Senate passed S. 250 by a vote of 99 to 0 on March 10, 2005. The House substituted H.R. 366 for the Senate version of S. 250 and passed S. 250 (House version) on July 12, 2006, without objection. On July 20, 2006, the conferees met and agreed to file the conference report. The conference report (H.Rept. 109-597) was filed on July 25, 2006. The Senate agreed to the conference report by unanimous consent on July 26, 2006. The House, by a vote of 399 to 1, agreed to the conference report on July 29, 2006. The President signed the bill on August 12, 2006, P.L. 109-270.

This report analyzes selected changes that P.L. 109-270 made to Perkins III. It begins with a detailed analysis of changes to funding formulas—both state allotments and within state allocations. Following this discussion, the report analyzes changes in accountability requirements, including changes to the core indicators of performance and data reporting, and related sanctions. Changes to state and local plans and uses of funds are then considered. The next section of the report examines changes made to the tech-prep program. The report concludes with changes made to the general provisions of the bill, most notably with respect to the equitable participation of private school students in career and technical education programs.

**Table 1** provides a general comparison of some of the key changes made by Perkins IV. Each of these changes is discussed in detail in a subsequent section of this report. It should be noted that the act provides funding to eligible agencies and eligible recipients. An eligible agency is the state board that functions as the sole state agency responsible for the administration or supervision of

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<sup>1</sup> The Vocational Education Act (originally enacted in 1963) was named after Carl D. Perkins, the chairman of the House Committee on Education and Labor, in 1984 (Carl Perkins Vocational Education Act of 1984—P.L. 98-524, “Perkins I”). The Perkins Act was reauthorized in 1991 (Carl D. Perkins Vocational and Applied Technology Education Act—P.L. 101-392, “Perkins II”), in 1998 (Carl D. Perkins Vocational-Technical Education Act Amendments of 1998—P.L. 105-332, “Perkins III”), and most recently in 2006 (Carl D. Perkins Career and Technical Education Improvement Act of 2006—P.L. 109-270, “Perkins IV”). For more information about the Carl D. Perkins Vocational and Technical Education Act of 1998, see CRS Report RL31747, *The Carl D. Perkins Vocational and Technical Education Act of 1998: Background and Implementation*, by Rebecca R. Skinner and Richard N. Apling.

<sup>2</sup> The 108<sup>th</sup> Congress considered bills to reauthorize the Perkins Act (S. 2686 and H.R. 4496) but did not complete action on these bills.

<sup>3</sup> The HELP Committee subsequently filed a written report (S.Rept. 109-65) on May 10, 2005.

career and technical education in a specific state. An eligible recipient receives funding from the eligible agency and includes, for example, local educational agencies and public or nonprofit private institutions of higher education that offer career and technical education courses leading to various outcomes, such as an industry-recognized credential.

**Table I. Summary of Key Changes Made by Perkins IV**

<b>Perkins III (P.L. 105-332)</b>	<b>Perkins IV (P.L. 109-270)</b>
Refers to “vocational and technical education.”	Refers to “career and technical education.”
Specifies set-asides for outlying areas, Indian programs, Native Hawaiian programs, and incentive grants.	Reduces the percentage of funds set-aside for outlying areas from 0.20% to 0.13%.  Eliminates the set-aside for incentive grants. Funds previously reserved for incentive grants will be used for basic state grants and be distributed through the formula.
Includes a specific formula for state allotments for the basic state grants program and tech-prep program. Set-asides only apply to funds for the basic state grants program.	At appropriations levels equal to or below FY2006 appropriations, retains current law, including holding all states harmless at their FY1998 grant amounts.  At appropriations levels that exceed FY2006 appropriations, up to one-third of any funds in excess of the FY2006 level (i.e., new money) will be distributed specifically to states that would not otherwise receive the minimum grant amount of $\frac{1}{2}\%$ of the total funds available for state grants. The remaining funds will be distributed through the state grant formula. Once all states reach at least the minimum grant amount of $\frac{1}{2}\%$ , all remaining new money will be distributed through the state grant formula.
Division of state allotment: At least 85% to local recipients, up to 10% for state leadership activities, and up to 5% for state administration.	Maintains division of state allotment.
States determine the percentage of funds allocated to the secondary and postsecondary levels and distribute funds according to specific formulas. At the secondary level, 30% of the funds are allocated based on each school district's share of population ages 15 to 19, and 70% of the funds are allocated based on each school district's share of individuals ages 15 to 19 from poor families. At the postsecondary level, funds are allocated primarily based on an eligible institution's share of Pell Grant recipients.	Changes the data used to allocate funds at the secondary level to match actual practice by school districts: 30% of the funds are allocated based on each school district's share of resident population ages 5 to 17, and 70% of the funds are allocated based on each school district's share of residents ages 5 to 17 from poor families.
Establishes a performance accountability system based on four core indicators that are identical for the secondary and postsecondary levels. Only includes specific performance accountability requirements for eligible agencies.	Establishes six core indicators for the secondary level, and five core indicators for the postsecondary level. Includes performance accountability requirements for eligible agencies and eligible recipients. Eligible agencies and eligible recipients must meet at least 90% of their adjusted levels of performance on each of their core indicators of performance or be required to develop and implement an improvement plan.
The Secretary of Education (Secretary) may withhold funds from eligible agencies that fail to make progress or show improvement. Funds withheld may be redistributed to other eligible agencies.	Continues to allow the Secretary to withhold funds from eligible agencies that fail to meet performance requirements. Only state leadership and state administrative funds may be withheld. Funds withheld may not be redistributed to other eligible agencies.

<b>Perkins III (P.L. 105-332)</b>	<b>Perkins IV (P.L. 109-270)</b>
No financial sanctions for eligible recipients failing to meet performance requirements.	Creates sanctions for eligible recipients failing to meet performance requirements that could result in a loss of funding.
Authorizes a separate tech-prep program.	Maintains a separate tech-prep program, but allows states to combine their tech-prep funding with their basic state grant funding.
Permits eligible agencies and recipients to include private school personnel in in-service and preservice vocational and technical education professional development programs.	Requires eligible agencies and recipients to include, to the extent possible and upon written request, private school personnel in in-service and preservice vocational and technical education professional development programs.
States that students attending private, religious, or home schools are not barred from participating in vocational and technical education programs under this act.	Explicitly permits eligible recipients to use funds made available under this act to provide for the meaningful participation of secondary school students attending nonprofit private schools.

**Source:** Table prepared by CRS, August 15, 2006, based on P.L. 105-332 and P.L. 109-270.

## Selected Changes

P.L. 109-270, the Carl D. Perkins Career and Technical Education Improvement Act of 2006, amends and revises the Perkins Act. It authorizes “such sums as may be necessary” for FY2007–FY2012 for Perkins Act programs and activities. The act refers to **career and technical education** (CTE) rather than vocational and technical education. Perkins IV retains the overall purpose of the act, making only technical changes.<sup>4</sup>

### Structure of the Perkins Act

P.L. 109-270 also retains the overall structure of the Perkins Act. Sections 1 through 9 deal with certain overarching provisions, such as purposes of the act (Section 2), definitions that apply throughout the act (Section 3), and authorization of appropriations (Section 9). Title I of the act authorizes and specifies the central provisions of the act dealing with assistance to states for career and technical education. Title I-A deals with allotments and allocations. Title I-B specifies state provisions. Title I-C details local provisions. Title II of the act authorizes the tech-prep program. Title III contains general provisions related to federal administration of the program (Part A) and state administration (Part B).

### Allotments and Allocations

Section 9 of P.L. 109-270 authorizes appropriations for Title I of the act, except for three sections that have separate authorizations: Section 114, dealing with national activities; Section 117,

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<sup>4</sup> The act retains, with some modifications, the specific ways in which the purpose of the act will be accomplished and adds four new strategies for accomplishing the purpose: (1) by building on the work of states and locals “to develop challenging academic and technical standards and to assist students in meeting such standards;” (2) by providing technical assistance that improves the quality of CTE staff; (3) by supporting partnerships; and (4) by providing opportunities for lifelong learning.

authorizing funding for tribally controlled postsecondary career and technical institutions; and Section 118, authorizing funds for occupational and employment information.

## Reservations

Perkins IV, like previous versions of the act, requires the Secretary of Education (Secretary) to reserve amounts for certain purposes from funds appropriated under Section 9. However, as shown in **Table 2**, Perkins IV makes several changes in these reservations to reflect certain changes in the act.

**Table 2. Comparison of Reserved Amounts Under Perkins III and Perkins IV**

Purpose of reservation	Reservation percentage under Perkins III	Reservation percentage under Perkins IV
Reservation for Pacific outlying areas (Section 115)	0.20%	0.13%
Reservation for Indians and Native Hawaiians (Section 116)	1.50%	1.50%
Reservation for incentive grants	0.54%	no reservation
Remainder allotted to states	97.76%	98.37%

**Source:** Table prepared by CRS, August 15, 2006, based on P.L. 105-332 and P.L. 109-270.

The amount reserved for assistance for outlying areas<sup>5</sup> has been reduced from 0.2% of funds appropriated under Section 9 to 0.13%. This reduced percentage reflects the fact that two freely associated states (FASs)—Micronesia and the Marshall Islands—are no longer eligible for Perkins funding because the United States and these FASs have signed an agreement to extend their Compacts of Free Association.<sup>6</sup>

In addition, P.L. 109-270 increases the amount of direct grants to outlying areas (Section 115). Under Perkins III, Guam received a direct grant of \$500,000 and American Samoa and the Northern Marianas each received direct grants of \$190,000. Remaining funds were then distributed to the Pacific Regional Educational Laboratory (PREL), which would make grants to these three outlying areas and to eligible FASs. Under current law, direct grants are \$660,000 for Guam and \$350,000 each for American Samoa and the Northern Marianas. For the first fiscal year after the enactment of Perkins IV (FY2007), the Secretary distributes remaining funds to PREL as before. In subsequent years, remaining funds are divided equally among the three outlying areas. Finally, Palau receives a direct grant of \$160,000 for as long as it is eligible for Perkins funding.

As **Table 2** illustrates, the percentage reserved for assistance for Indians and Native Hawaiians under Section 116 has not changed. However, the reservation for incentive grants has been

<sup>5</sup> Currently outlying areas receiving funds under this provision are American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau. Palau will cease to be eligible for Perkins funding when it enters into an agreement to extend its Compact of Free Association. Puerto Rico and the United States Virgin Islands does not receive funding under this reservation because it is considered a state for the purposes of the state allotment formula.

<sup>6</sup> For further information, see CRS Report RL31737, *The Marshall Islands and Micronesia: Amendments to the Compact of Free Association with the United States*, by Thomas Lum.

repealed. These funds are now distributed to states under the “State Allotment Formula” discussed below.

## State Allotment Formula

Of funds appropriated under Section 9, Perkins IV, slightly more than 98% is allotted to states based on the formula detailed in Section 111. The underlying formula is identical in Perkins III and Perkins IV: Funds are initially allotted based on three population groups (population ages 15 to 19, 20 to 24, and 25 to 65).<sup>7</sup> These initial allotments are adjusted by states’ per capita income (PCI), such that states with below average PCIs tend to receive somewhat increased grants, and those with above average PCIs tend to receive somewhat decreased grants.

Perkins IV maintains the state allotment formula used under Perkins III unless “additional funds” are available above the FY2006 funding level. If funding allotted to states contains no “additional funds,” the formula is unchanged. That is, the initial formula factors are applied, subject to the minimum grant provisions and to the provision that holds states harmless at 100% of their FY1998 grant amount.<sup>8</sup> Assuming appropriations are level funded at the FY2006 amount, states with growing populations, such as Arizona and North Carolina, will tend to receive increased grants. States at their FY1998 grant amounts, such as Vermont and Wyoming, will continue to receive those grant amounts.<sup>9</sup> Other states’ grants will tend to decline, as funding shifts to states with more rapidly growing populations.

P.L. 109-270 modifies the state allotment formula when there are “additional funds” above the amount allotted to states for FY2006. “Additional funds” are defined as amounts in excess of funds allotted to states for FY2006, plus the amount set-aside for incentive grants for FY2006 and \$827,671. These additions to the amount allotted to states in the base year ensure that funds previously reserved for incentive grants and funds previously reserved for outlying areas no longer eligible for funding (the specified dollar amount) are not considered “additional funds,” which trigger the formula changes discussed below.<sup>10</sup>

**Table 3** illustrates how “additional funds” would be calculated assuming a 1% overall increase in FY2006 appropriations under Section 9. First the FY2006 state grant amount would be calculated by subtracting the set-asides from the total appropriation (\$1.182 billion minus \$26.5 million = \$1.156 billion), which was the amount allotted by formula to states for FY2006. Next the amount

<sup>7</sup> Each population group is weighted in the formula with the 15-19 age group receiving the largest weight.

<sup>8</sup> For a detail discussion of the state formula under Perkins III, see CRS Report RL33419, *Vocational Education: State Grant Formula Under Current Law and Reauthorization Issues*, by Rebecca R. Skinner and Richard N. Apling.

<sup>9</sup> If funding drops below the FY1998 amount allotted to states (approximately \$1 billion), state grants will be ratably reduced (i.e., all grants will be reduced by the same proportion).

<sup>10</sup> The calculation to determine the amount of “additional funds” available is complicated by two factors. First, beginning in FY2007, funding for incentive grants will no longer be set-aside. Funds that would have been set-aside in previous years will be distributed through the basic state grant formula. Thus, to avoid having the additional funding available for state grants as a result of the elimination of the incentive grants be considered “additional funds,” this amount must be added to the FY2006 base that must be exceeded to trigger the new formula. The change to the percentage of funding set-aside for outlying areas creates a similar situation. As less funding is needed to support the outlying areas in FY2007 and subsequent years than was needed in FY2006, the excess funds are distributed through the state allotment formula. The amount of excess funds (\$827,671) must be added to the FY2006 base that must be exceeded to trigger the new formula. Thus, neither the addition of the incentive grant money nor the excess funding for the outlying areas is considered “additional funds.”

for incentive grants (\$6.384 million) and \$827,671 are added to the state formula amount. This results in the FY2006 “base” amount of \$1.163 billion. Any funds in excess of this base amount is defined as new money, which is allotted as described below. In **Table 3**, this amount is \$1.175 billion (the amount allotted to states by formula) minus \$1.163 billion (the FY2006 base amount) which equals \$11.631 million (the additional funds).

**Table 3. Illustration of Calculation of “Additional Funds”**

<b>Appropriations, reservations, and calculations</b>	<b>FY2006 (Perkins III)</b>	<b>Increase of 1% over FY2006 total (Perkins IV)</b>
Total appropriated under Sec. 9	\$1,182,387,690	\$1,194,211,567
Reservations		
Outlying areas	\$2,364,775	\$1,552,475
Indians and Native Hawaiians	\$17,735,815	\$17,913,174
Incentive grants	\$6,384,894	NA
Remainder allotted to states	\$1,155,902,206	\$1,174,745,918
<b>Formula for calculations</b>	<b>FY2006 base = (FY2006 remainder allotted to states + incentive grants + \$827,671)</b>	<b>Additional funds = FY2007 remainder allotted to states - FY2006 base</b>
Calculation of FY2006 base and additional funds	\$1,163,114,770	\$11,631,148

**Source:** Table prepared by CRS, August 15, 2006.

**Note:** Amounts may vary slightly due to rounding.

Up to one-third of the “additional funds” (about \$3.88 million based on the example in **Table 3**) would be allotted to states (except for the Virgin Islands) with FY2006 grants that are less than the minimum grant amount of ½% of the current-year funds allotted to states. Based on the example, these would be states with FY2006 grants less than \$5.87 million (i.e., ½% of the amount allotted to states—\$1.175 billion), which would be Alaska, Delaware, District of Columbia, Hawaii, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming. The “additional funds” for these “qualifying” states would be allotted in proportion to how much below the minimum grant amount of ½% each state’s FY2006 grant is. For example, Vermont and Wyoming, with FY2006 grants of \$4.2 million, would receive larger amounts of funding than Maine and Rhode Island, which received FY2006 grants of nearly \$5.8 million. As a result of this allotment procedure, none of these states could receive more than the minimum grant amount of ½% of the current amount allotted to states. The remaining funds (at least two-thirds of the “additional funds” or about \$7.75 million based on the above example) would be allotted to the other states based on the underlying formula, except that no state would receive a grant less than its FY1998 grant.

## Within State Allocation and Substate Formulas

The Perkins Act specifics how funds received by states must be allocated with respect to the percentage reserved at the state level and the percentage subsequently distributed to the local level. It also specifies how funds must be distributed at the local level.

## **Within State Allocation**

As under prior law, Section 112 requires states to distribute at least 85% of state grant funds to the local level (i.e., to eligible recipients, such as local educational agencies (LEAs) and community colleges). States may reserve up to 10% of the funds distributed to the local level for eligible recipients in rural areas and in areas with high percentages or high numbers of career and technical education students. States have complete discretion in how much of local funding is distributed for career and technical education at the secondary level versus postsecondary career and technical education.

States may reserve up to 5% of their grants (or \$250,000 if that amount is greater) for “administration of the State plan.” P.L. 109-270 continues to require states to match administrative funds “on a dollar-for-dollar basis.”<sup>11</sup> States may use up to 10% of the state grant for state leadership functions.<sup>12</sup>

## **Substate Formulas**

Perkins IV continues to specify substate formulas for distribution of Perkins grant funds to eligible recipients (Sections 131 and 132). The act does not change the distribution of funds for eligible postsecondary institutions (e.g., community colleges) and consortia of such institutions. Funds continue to be distributed based on each eligible institution’s number of Pell grant recipients and recipients of assistance from the Bureau of Indian Affairs. For example, if an eligible institution accounted for 10% of all such recipients among all eligible institutions in a state, that institution would receive 10% of the funds the state set-aside for postsecondary career and technical education.<sup>13</sup>

P.L. 109-270 does change the substate formula for distribution of funds for secondary school CTE programs, although this change should have no practical impact. Under prior law, 30% of funds designated for secondary education programs were to be distributed based on school districts’ shares of resident population ages 15 to 19; and 70% of funds were to be distributed based on shares of individuals ages 15 to 19 from poor families. The act permitted the Secretary to waive this formula if a state could demonstrate “that a proposed formula more effectively targets funds on the basis of poverty” (Section 131(c)(1)). Because population and poverty data for the 15 to 19 age group are not available at the school district level, the Secretary has waived the application of this formula (apparently for all states). Instead, the Secretary has allowed states to use resident population and poverty data for ages 5 to 17, which is available at the school district level because these data are used to allot grants under Title I-A of the Elementary and Secondary Education Act (ESEA). P.L. 109-270 codifies this procedure in law: 30% of funds designated for secondary education programs is distributed based on school districts’ shares of resident

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<sup>11</sup> The Perkins Act has no other matching requirements.

<sup>12</sup> See the discussion of state leadership activities for required and permitted uses of these funds.

<sup>13</sup> This assumes that the grant is at least \$50,000, which continues to be the minimum grant an eligible institution can receive.

population ages 5 to 17;<sup>14</sup> 70% is distributed based on shares of residents ages 5 to 17 who are from poor families.<sup>15</sup>

## National Programs

Section 114 of the Perkins Act authorizes certain national programs and activities, such as a national assessment of vocational education, research, and dissemination. Such sums as may be necessary to conduct these activities are authorized for FY2007 through FY2012.

Similar to Perkins III, an independent advisory panel advises the Secretary on the evaluation and assessment of CTE programs funded under the act. Perkins IV, however, includes greater specification of membership on the independent advisory panel.<sup>16</sup> The contents of the assessment are similar under Perkins III and Perkins IV, but Perkins IV adds additional requirements. For example, in examining teacher preparation and qualifications, it is recommended that this include whether CTE faculty meet teacher certification or licensing requirements. The evaluation must also consider career and technical education achievement, in addition to academic achievement and employment outcomes. It must also examine the “extent and success of the integration of rigorous and challenging academic and career and technical education” and the outcomes of such integration on academic and technical proficiency achievement. The assessment must also determine whether CTE programs are preparing students for employment in occupations in which mathematics and science skills are critical. An interim report on the assessment must be submitted to Congress on or before January 1, 2010. A final report must be submitted on or before July 1, 2011.

With respect to the conduct of research, the Secretary shall make a competitive award to a single entity or consortium of entities<sup>17</sup> to establish a single national research center. Under Perkins III, multiple national research centers could be supported. Under Perkins IV, the center’s research must focus on conducting scientifically based research and evaluation. This work, among other goals, must address the education, employment and training needs of CTE participants, including special populations. It must also focus on improving the implementation of CTE programs that are “integrated with coherent and rigorous content aligned with challenging academic standards.” The research and evaluation must also be used to improve the preparation and professional development of CTE staff, including the recruitment and retention of staff.

## Occupational and Employment Information

Section 118 of the Perkins Act authorizes the Secretary to provide assistance and funding to state-designated entities that collect and disseminate occupational and employment information. These entities are jointly designated in each state by the Governor and the state agency that oversees

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<sup>14</sup> Alternatively states may use student membership data they report to the National Center for Education Statistics through the Common Core of Data survey.

<sup>15</sup> The minimum grant requirement remains \$15,000 with certain exceptions, such as grants to rural school districts and charter schools. Otherwise, districts that would be eligible for grants less than \$15,000 are required to form consortia with other districts in order to receive a combined grant that reaches or exceeds this minimum grant amount.

<sup>16</sup> State directors of CTE, chief executives, and representatives of small businesses must be included as panel members.

<sup>17</sup> The Secretary shall award a grant, contract, or cooperative agreement to an institution of higher education, a public or private nonprofit organization, or a consortium of such entities.

career and technical education. Perkins IV adds a state application process that requires the jointly designated state entity to submit an application to the Secretary at the same time the state submits its state plan under Section 122 (see discussion in subsequent section). The application must include information as required by the Secretary, as well as information based on trends provided in accordance with Section 15 of the Wagner-Peyser Act.<sup>18</sup> Perkins IV also alters authorized state-level activities under Section 118. For example, Perkins III states that designated entities must provide programs to assist “individuals” to improve career and occupational decision making. Perkins IV changes the language to “students (and parents, as appropriate).” A possible impact of such changes would be to target occupation and employment information programs rather than to make such programs available to the population in general. Other changes include an emphasis on preparing relevant staff to provide parents and students with exposure to high skill, high wage, or high demand occupations, and to assist state entities in creating educational resources and training that include information on these types of occupations.

## **Accountability and Sanctions**

In Perkins IV, Congress acted to strengthen and substantially change accountability requirements (Section 113) and the associated sanctions for failing to meet these requirements (Section 123). Highlights of these changes include the following:

- specifies separate core indicators of performance for the secondary and postsecondary levels;
- links established between secondary core indicators of performance and ESEA;
- requires eligible recipients to accept state-adjusted levels of performance or negotiate their own adjusted levels of performance with the eligible agency for each of the core indicators of performance at the secondary and postsecondary levels;
- requires annual data reported on eligible agencies’ and recipients’ progress in meeting their core indicators of performance to be disaggregated as required for data reporting under ESEA;
- requires eligible agencies and recipients to meet at least 90% of an adjusted level of performance for each core indicator of performance, or be required to write an improvement plan;
- allows the Secretary to withhold only state leadership and administrative funds from eligible agencies that fail to make progress or show improvement, but no longer allows funds withheld to be redistributed to other eligible agencies; and
- permits eligible agencies to withhold funds from an eligible recipient, but requires the funds be used by the eligible agency to provide services to students who would otherwise have received services from the eligible recipient.

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<sup>18</sup> Section 15 of the Wagner-Peyser Act, as amended by the Workforce Investment Act (P.L. 105-220), requires the development and maintenance of a nationwide employment statistics system.

## Core Indicators of Performance at the Secondary Level

Perkins IV establishes six explicit core indicators of performance at the secondary level. Both eligible agencies and eligible recipients are required to establish measures for each of the indicators. Many of the core indicators of performance included in Perkins IV are similar to those required under Perkins III but include several modifications, such as establishing links to ESEA. It should be noted that Perkins was last reauthorized in 1998, prior to the reauthorization of ESEA that included the new requirements of the No Child Left Behind Act.

Under Perkins III, eligible agencies were required to include measures of “student attainment of challenging state established academic ... proficiencies” in their identification of core indicators of performance. The first core indicator of performance under Perkins IV must measure student attainment of challenging academic content standards and student academic achievement standards. The standards used in this measure must be the ones adopted by the state under Title I-A of the ESEA (Section 1111(b)(1) and (b)(3)). Student attainment of these standards must be based on the state determined levels of proficiency for assessments required under Title I-A of the ESEA in math, language arts, and, beginning with the 2007-2008 school year, science.<sup>19</sup>

Similar to Perkins III, the second core indicator of performance must measure student attainment of career and technical skill proficiencies. Unlike Perkins III, however, it does not require the student attainment of “challenging” career and technical skill proficiencies. Perkins IV specifies, however, that measures of student attainment may include student achievement on technical assessments that are aligned with industry-recognized standards, if such assessments are available and relevant.

The third core indicator of performance is also similar to an indicator included in Perkins III. Eligible agencies must measure student rates of attainment of a secondary school diploma. They must also measure student rates of attainment of a General Education Development (GED) credential or state recognized equivalent for a high school diploma, including alternative standards for individuals with disabilities. States must also measure student rates of attainment of a proficiency credential, certificate, or degree in conjunction with a secondary school diploma, if the state makes this option available to students. Based on the most recent performance data available, only 17 states offered the latter option to students.<sup>20</sup>

The fourth core indicator of performance requires eligible agencies to measure student graduation rates as required under Title I-A of the ESEA. Under the ESEA, graduation rates for secondary students are defined as the “percentage of students who graduate from secondary school with a regular diploma in the standard number of years” (Section 1111(b)(2)(C)(vi)). Thus, students who take longer than the standard number of years to graduate, earn a GED in lieu of a regular diploma, or earn some type of alternative high school diploma would not be counted as graduates under this measure. Perkins III did not include a similar core indicator of performance.

The last two core indicators of performance are nearly identical to those included in Perkins III. The eligible agency must measure student placement in postsecondary education or advanced

<sup>19</sup> For more information about the testing requirements under Title I-A of the ESEA, see CRS Report RL31407, *Educational Testing: Implementation of ESEA Title I-A Requirements Under the No Child Left Behind Act*, by Wayne C. Riddle.

<sup>20</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Report to Congress on State Performance for Program Year 2003-2004*, available online at <http://www.ed.gov>.

training, placement in military service, and placement in employment.<sup>21</sup> The eligible agency must also measure student participation in and completion of CTE programs that lead to employment in non-traditional fields.<sup>22</sup>

## **Core Indicators of Performance at the Postsecondary Level**

Perkins IV includes five core indicators of performance at the postsecondary level. Both eligible agencies and eligible recipients are required to establish measures for each of the indicators.

Several of the core indicators of performance included in Perkins IV are similar to those required under Perkins III.

Similar to Perkins III, the first core indicator of performance must measure student attainment of “challenging” career and technical skill proficiencies. Perkins IV specifies, however, that measures of this attainment may include student achievement on technical assessments that are aligned with industry-recognized standards, if such assessments are available and relevant.<sup>23</sup>

The second and third core indicators of performance focus on completion and retention at the postsecondary level. The second core indicator of performance requires measures of student attainment of an industry-recognized credential, a certificate, or a degree. The third core indicator of performance requires measures of student retention in postsecondary education or transfer to a bachelor’s degree program. While Perkins III addressed completion and retention, it was not as specific as Perkins IV. For example, it did not require measures of student transfers.

The fourth core indicator of performance, similar to Perkins III, requires measures of student placement in military service or placement or retention in employment. Perkins IV adds placement in apprenticeship programs to the required measures. It also specifies that measures of employment must include student placement in high-skill, high-wage, or high-demand occupations or professions.

The final core indicator of performance is identical to the final core indicator of performance at the secondary level. Eligible agencies and recipients must measure student participation in and completion of CTE programs that lead to employment in non-traditional fields.<sup>24</sup>

## **Adjusted Levels of Performance**

Eligible agencies and eligible recipients are required to negotiate adjusted levels of performance for each of the core indicators for which they will be held responsible. For eligible agencies, this process is essentially identical to the process used under Perkins III. Based on input from eligible recipients, the eligible agency establishes levels of performance for each of the core indicators in its state plan. The eligible agency then negotiates adjusted levels of performance for the core

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<sup>21</sup> The core indicator of performance under Perkins III also required measures of completion or retention. These have been included under the core indicators of performance at the postsecondary level under Perkins IV.

<sup>22</sup> The core indicator of performance under Perkins III referred to “non-traditional training and employment.” Perkins IV now refers to this as “non-traditional fields.”

<sup>23</sup> This indicator is nearly identical to a core indicator of performance for the secondary level, except that at the secondary level attainment of “challenging” career and technical skill proficiencies is not required.

<sup>24</sup> The core indicator of performance under Perkins III referred to “non-traditional training and employment.” Perkins IV now refers to “non-traditional fields.”

indicators with the Secretary for the first two program years and then reaches agreement prior to the third program year and the fifth program year for adjusted levels of performance for the relevant time period. As under Perkins III, the agreement on the state adjusted levels of performance must take into account the state adjusted levels of performance established by other eligible recipients, while considering the characteristics of the participants served and the specific services offered, as well as the extent to which the levels will promote continuous improvement on the core indicators of performance.

Under Perkins IV, eligible recipients will also be required to establish levels of performance for each of the core indicators in their local plans. Eligible recipients have the option of accepting the state adjusted levels of performance as their own or negotiating with the eligible agency to establish new local adjusted levels of performance. If an eligible recipient chooses to negotiate its adjusted levels of performance, the process will mirror the process at the state level. The agreement on the local adjusted levels of performance must take into account the local adjusted levels of performance established by other eligible recipients, while considering the characteristics of the participants served and the specific services offered, as well as the extent to which the levels will promote continuous improvement on the core indicators of performance.

## **Reporting Requirements**

Each eligible agency will continue to be required to submit an annual report detailing its progress in meeting its adjusted levels of performance on the core indicators of performance to the Secretary. Perkins IV also requires eligible recipients to submit annual reports describing their progress in meeting their indicators to the eligible agency. Under Perkins IV, eligible agencies and eligible recipients are required to disaggregate the data for each of the indicators of performance, including any additional indicators selected by the eligible agency or recipient, based on the categories of students included in Title I-A of the ESEA for data reporting purposes. That is, data must be disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged (ESEA, Section 1111(h)(1)(C)(i)).<sup>25</sup> After disaggregating the data, eligible agencies and recipients must identify and quantify any discrepancies or gaps in performance between the specific categories of students and overall student performance.

## **Improvement Plans and Sanctions for Eligible Agencies**

Under Perkins IV, if a state fails to meet at least 90% of an adjusted level of performance for **any** of the core indicators, it is required to develop and implement a program improvement plan. This plan must give special consideration to performance gaps identified among categories of students. Perkins III required a state to develop and implement a program improvement plan if it failed to meet the state adjusted levels of performance. In practice, this meant that states only had to develop an improvement plan if they missed their adjusted levels of performance in the aggregate (e.g., poor performance in meeting one adjusted level of performance for a core indicator could be compensated for by exceeding the adjusted level of performance for another core indicator). Similar to Perkins III, if the Secretary determines that an eligible agency is not carrying out its state plan appropriately or is not making “substantial progress” in meeting the goals of the act, as

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<sup>25</sup> Eligible agencies and recipients are not required to disaggregate data for a category of students if doing so would reveal personally identifiable information.

determined by the state's adjusted levels of performance, the Secretary may provide technical assistance to the eligible agency to implement improvement strategies.

If an eligible agency fails to implement a required improvement plan, fails to make any improvement on the indicators that triggered the improvement plan within the first year of implementation of the improvement plan, or fails to meet at least 90% of the state adjusted level of performance for the **same** core indicator of performance for three consecutive years, the Secretary may, after providing the eligible agency with an opportunity for a hearing, withhold all or a portion of the eligible agency's funding for state leadership and administration. This is a substantial departure from the sanction provisions contained in Perkins III, under which an eligible agency could be sanctioned for failing to meet its state adjusted levels of performance for two or more consecutive years. The Secretary was also permitted to withhold any funds received by the state under this title, including funds that would otherwise be provided to eligible recipients.<sup>26</sup>

Perkins IV requires that funds withheld from an eligible agency be used only to provide technical assistance, assist in the development of an improved state improvement plan, or other relevant improvement activities to benefit the state. The Secretary will no longer be permitted to redistribute funds withheld from one eligible agency to other eligible agencies as was possible under Perkins III. Finally, Perkins IV retains the exception included in Perkins III that allows the Secretary to waive financial sanctions due to "exceptional or uncontrollable circumstances" or a "precipitous and unforeseen decline" in the state's financial resources.

## Improvement Plans and Sanctions for Eligible Recipients

Under Perkins IV, the requirements for improvement plans and sanctions for eligible recipients are similar to those imposed on eligible agencies. If, after reviewing the eligible recipient's progress in meeting its local adjusted levels of performance, the eligible agency determines that the eligible recipient failed to meet at least 90% of an agreed upon local adjusted level for any of the core indicators of performance, the eligible recipient will be required to develop and implement a program improvement plan. The program improvement plan must provide special consideration to performance gaps identified among categories of students.

Under Perkins III, if an eligible agency determined that an eligible recipient was not making substantial progress in achieving the state adjusted levels of performance, the eligible agency was required to assess the educational needs of the eligible recipients, enter into an improvement plan with the eligible recipient, and conduct regular assessments of the eligible recipient's progress in meeting the state adjusted levels of performance. Under Perkins IV, eligible agencies are required to provide technical assistance to eligible recipients failing to meet their responsibilities or make substantial progress in meeting the purposes of the act as determined based on their local adjusted levels of performance.

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<sup>26</sup> It does not appear that this option has been used frequently, if at all. For Program Year (PY)2000 through PY2004, *Federal Register* notices have been published indicating whether states exceeded their adjusted levels of performance for their core indicators of performance. Across these years, only three times did a state fail to exceed its adjusted levels of performance for two consecutive years. It is not clear whether these states also failed to meet (rather than exceed) their adjusted levels of performance. For more information, see *Federal Register*, Vol. 67, No. 85, pp. 22119-22121 (PY2000); Vol. 68, No. 92, pp. 25640-25643 (PY2001); Vol. 69, No. 75, pp. 20950-20952 (PY2002); Vol. 70, No. 80, pp. 21816-21818 (PY2003); and Vol. 71, No. 82, pp. 25244-25246.

Perkins III did not include specific sanctions to be applied to eligible recipients subsequently failing to show improvement, and no specific sanctions that would result in an eligible recipient losing funding. Perkins IV subjects eligible recipients to similar financial sanctions as imposed on eligible agencies. After providing an opportunity for a hearing, an eligible agency may withhold all or a portion of an eligible recipient's funding if the eligible recipient fails to make any improvement on the indicators that triggered the improvement plan within the first year of implementation of the improvement plan, or fails to meet at least 90% of the state adjusted level of performance for the **same** core indicator of performance for three consecutive years. Funds withheld must be used to provide services and activities to students in the area that would have otherwise been served by the eligible recipient. Funds may not be redistributed to other eligible agencies.

For eligible agencies, both current law and Perkins IV includes an exception to financial sanctions due to exceptional or uncontrollable circumstances. This exception is extended to financial sanctions for eligible recipients. In addition, the eligible agency may opt not to impose sanctions if the small size of the eligible recipient's CTE program affects its performance.

## Data Comparability

Perkins III provided states with flexibility to select performance measures most appropriate for meeting their goals.<sup>27</sup> This resulted in a multitude of definitions and measurement strategies across states, making state-to-state data comparisons virtually impossible.<sup>28</sup> In response, ED awarded a grant for the Performance Measurement Initiative, a project to develop and pilot test new secondary and postsecondary assessment and accountability measures for academic and career and technical programs that build on existing state and local data systems.

Perkins IV contains language that may partially address the data comparability issue. It requires that when identifying core indicators of performance and other indicators of performance, states shall, to the extent possible, define the indicators so that they are aligned with similar data collected for other federal and state programs. The usefulness of this requirement, however, may depend upon how it is implemented by states and interpreted by ED. For example, if states rely on definitions used within their states, and these definitions vary from state to state, it may be difficult to obtain comparable data among states. The data comparability issue could also be complicated if some states opt to use federal definitions for measures, while other states use state definitions that do not match the federal definition. As pointed out by ED, however, if the measures of the core indicators of performance selected by each state were valid and reliable, as required by Perkins IV, it would be possible to make comparisons of an individual state's performance from year to year even if the performance of all states could not be compared.<sup>29</sup>

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<sup>27</sup> Under National Activities (Section 114), the Secretary is charged to "ensure the performance information system is compatible with other federal information systems."

<sup>28</sup> U.S. Department of Education, *Carl D. Perkins Vocational and Technical Education Act of 1998 Report to Congress on State Performance: Program Year 1999-2000*. Available online at <http://www.ed.gov/about/offices/list/ovae/resource/vocedreport.doc>.

<sup>29</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Vocational and Technical Education Act of 1998: Program Year 2003-2004*, report to Congress on state performance, 108<sup>th</sup> Cong., 2<sup>nd</sup> Sess., Sept. 2005, available online at <http://www.ed.gov>.

## **State Plan**

To receive funding, all eligible agencies are required to submit a state plan to the Secretary under Section 122. Under Perkins IV, these plans must cover a six-year time period rather than a five-year time period as required under Perkins III. Perkins IV also contains specific transition provisions to provide eligible agencies time to adjust to the new requirements of the law (Section 4). Eligible agencies are permitted to submit a transition plan for the first fiscal year following the enactment of Perkins IV. They will then submit state plans to cover the remaining five years of the authorization. In practice, a timetable for transitioning from the requirements of Perkins III to Perkins IV may resemble the following:

- April 2007: States submit transition plans to the U.S. Department of Education (ED);
- 2007-2008 school year: Transition year and baseline data collection; and
- Summer 2008: Establish adjusted levels of performance (discussed in a subsequent section of the report).

In developing the state plan, both Perkins III and Perkins IV require eligible agencies to consult with a variety of interested parties. Perkins IV expands the list of interested parties with whom the eligible agency must consult to include, for example, academic and career and technical education administrators, career guidance and academic counselors, and charter school authorizers.

## **Plan Contents**

State plans submitted by eligible agencies are required to include specific information. While Perkins IV incorporates many of the same requirements of Perkins III, it modifies several existing requirements and adds several additional requirements. Below is a summary of substantial changes and additions made to the plan contents. Selected key changes are subsequently discussed in greater detail.

The state plan must:

- describe the career and technical programs of study for career and technical content areas that meet specific requirements and how the programs will be developed and implemented;
- detail how the eligible agency will assist eligible recipients in developing articulation agreements;
- describe how the eligible agency will publicize career and technical programs of study offered by eligible recipients;
- include criteria that will be used to determine the extent to which the local plan will promote continuous improvement in academic achievement and technical skill attainment, and identify and address current or emerging occupational opportunities;
- explain how CTE programs will prepare secondary students, including special populations, to graduate with a diploma;

- detail how funds will be used to develop or improve CTE courses at the secondary level that will be aligned with the academic content and student achievement standards adopted by the state under ESEA Title I-A, are relevant and challenging at the postsecondary level, and lead to employment in high skill, high wage, or high demand occupations;
- describe how the eligible agency will ensure that best practices among eligible recipients and tech-prep recipients are shared;
- detail how academic and career and technical education at the secondary and postsecondary levels will be linked to improve achievement;
- describe how the eligible agency will report on and evaluate the integration of CTE programs with coherent and rigorous content aligned with state academic standards;
- describe how professional development will promote the integration of academic content standards and CTE curricula, increase the percentage of teachers meeting licensure or certification requirements, be sustained and of high quality, encourage applied learning, improve instruction for special populations, improve the use of data, and promote integration with professional development activities carried out under Title II of the ESEA and Title II of the Higher Education Act;
- detail how the recruitment and retention of CTE faculty and the transition to teaching from business and industry will be improved;
- explain how the transfer of subbaccalaureate CTE students to baccalaureate programs will be facilitated;
- describe how CTE will be integrated with academics to ensure learning in the core subjects and career and technical subjects;
- develop a plan for negotiating local adjusted levels of performance;
- include assurances that the eligible agency will comply with the requirements of the act and its state plan; and
- describe how data will be reported.

Two of the most significant changes include the specification of elements that CTE programs must include and a greater emphasis on academic achievement, particularly evidenced by the links that must be established to academic requirements included in the ESEA. First, CTE programs of study must include both secondary and postsecondary education elements. They must include “coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses” aligning secondary and postsecondary education. The programs may also include opportunities for dual or concurrent enrollment or other strategies for students to earn postsecondary credits. Finally, the programs must lead to an industry-recognized credential or certificate at the postsecondary level or an associate’s or bachelor’s degree.

The state plan must also discuss how the state will link CTE with requirements included under the ESEA. For example, the plan must specify how funds will be used to improve or develop new CTE courses that are aligned with student academic achievement standards adopted by the state under the ESEA (Section 1111(b)(1)). The eligible agency must also describe how learning in the core academic subjects defined under the ESEA will be ensured. Section 9101(11) of the ESEA

defines the core academic subjects as language arts, mathematics, science, foreign languages, civics and government, economics, art, history, and geography.

### **Types of Plans**

Similar to Perkins III, states will continue to have the option to submit unified plans under the Workforce Investment Act (WIA; P.L. 105-220, Section 501). Otherwise, under Perkins IV, states not opting to consolidate their basic state grant funding with their tech-prep funding must fulfill the state plan requirements for the basic state grants program and tech-prep by submitting a single state plan.

## **State Leadership Activities**

Perkins IV retains many of the same required and permissible uses of state leadership funds as Perkins III with some modifications and adds several new uses of funds (Section 124). For example, eligible agencies will have to use state leadership funds to provide professional development focused on the use of scientifically based research and data to improve instruction. Professional development must be high quality, sustained, and intensive, and should not be based on one-day or short-term training sessions. In addition, professional development programs must support education programs to ensure that teachers and other staff are able to develop a higher level of academic and industry knowledge and skills in CTE and effectively use applied learning.

While Perkins IV retains many of the same permissible uses of funds as Perkins III, there are some notable differences. For example, Perkins IV adds new uses of funds for career guidance and academic counseling, facilitating transitions from subbaccalaureate CTE programs to baccalaureate degree granting institutions, developing assessments of technical skills, developing and enhancing data systems, and improving the recruitment and retention of CTE staff and the transition of individuals from business and industry into CTE. Eligible agencies are also permitted to use state leadership funds to award incentive grants to eligible recipients meeting various criteria, such as exceeding local adjusted levels of performance, developing connections between secondary and postsecondary education, integrating coherent and rigorous content that is aligned with academic standards and technical coursework, or having special populations meet local adjusted levels of performance. Incentive grants may also be awarded to eligible recipients that combine funding with other eligible recipients for innovative initiatives.

## **Local Plan**

To receive funding, all eligible recipients are required to submit a local plan to the eligible agency under Section 134. These plans must cover the same time period covered in the state plan. Under Perkins IV, state plans must cover a six-year time period rather than a five-year time period as required under Perkins III.

## **Plan Content**

Similar to the contents of state plans, Perkins IV retains many of the provisions for local plan content contained in Perkins III with some modifications, including linkages to ESEA provisions. For example, the local plan must describe how the academic and technical skills of students will be improved through the integration of “coherent and rigorous content aligned with challenging

academic standards and relevant career and technical education programs to ensure learning in the core academic subjects” as defined in the ESEA. Other provisions require the eligible recipient to ensure that CTE students will enroll in rigorous and challenging courses in the core academic subjects, and that professional development will be provided to promote the integration of coherent and rigorous content aligned with challenging academic standards and relevant CTE. The local plan must also describe how the eligible applicant will offer at least one career and technical program of study that meets the requirements of these programs as described in the requirements for the state plan, and how the eligible recipient will improve the recruitment and retention of CTE staff and the transition of individuals from business and industry into CTE.

## **Uses of Funds**

Both required and allowable uses of funds are stipulated for local recipients. Many of the uses of funds included in Perkins IV were previously included in Perkins III but have been modified. Among the required uses of funds, significant changes and new uses of funds include, for example, establishing linkages to the core academic subjects defined under the ESEA, establishing linkages between secondary education CTE and postsecondary CTE, providing training to support the effective integration of challenging academics and CTE, providing training to enable staff to use scientifically based research and data to improve instruction, and providing activities specifically to prepare special populations for high skill, high wage, or high demand occupations leading to self-sufficiency.

Several new uses of funds were added to the permissible uses of funds. For example, funds may be used to provide career and academic counseling that improves graduation rates, provides information on postsecondary education and career options, and assists postsecondary students, including adult students. They may be used to establish local education and business partnerships including developing adjunct faculty arrangements for industry professionals and obtaining industry experience for teachers. Funds may also be used to develop initiatives that facilitate the transition of students from subbaccalaureate CTE programs into baccalaureate degree programs, including the development of articulation agreements and dual or concurrent enrollment programs. The local recipient may also use funds to develop new CTE courses and programs of study, including for consideration by the eligible agency; courses that prepare individuals for high skill, high wage, or high demand occupations; and courses that create dual or concurrent enrollment opportunities for secondary education students. Local recipients may also pool their funds with at least one other local recipient to support innovative initiatives, such as improving the initial preparation and professional development of CTE staff or improving accountability data collection or reporting.

## **Administrative Costs**

The provisions for administrative costs are identical under Perkins III and IV. Eligible recipients may use up to 5% of their funds for administrative costs.

## **Tech-prep**

The tech-prep program is authorized under Title II of the Perkins Act. During congressional consideration of Perkins IV, there was debate about whether tech-prep should be retained as a separate program or integrated into the basic state grants program. The compromise that was reached on this issue allows tech-prep to remain a separate program, but adds new provisions that

permit eligible agencies to combine their tech-prep funds with their state grant funds. If eligible agencies choose to combine program funds, funds are considered as being allotted under the basic state grants program and must be distributed to eligible recipients in accordance with the formulas pertaining to that program. All eligible agencies that want to receive tech-prep funding, regardless of whether they choose to consolidate funds or not, must describe in their state plan required under Section 122 how tech-prep activities will be coordinated with other activities described in the state plan.

Perkins IV also expands the contents of tech-prep programs and establishes a link between the programs and ESEA. Under Perkins IV, a tech-prep program of study is required to build student competence in technical skills and in the core academic subjects as defined under ESEA, as appropriate, through “applied, contextual, and integrated instruction, in a coherent sequence of courses.” A tech-prep program of study is also required to integrate academic and career and technical instruction with work-based learning experiences when possible; provide technical preparation in a career field; lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree in a specific career field; lead to placement in further education or in high skill or high wage employment; and use CTE programs of study, to the extent practicable. Tech-prep programs are also required to use articulation agreements; provide in-service professional development for teachers, faculty, and administrators; and provide professional development on using and accessing data, including student achievement data. Professional development programs for counselors must include a new focus on aiding staff in providing comprehensive career guidance and academic counseling to tech-prep students, including students from special populations. Finally, a tech-prep program must coordinate its activities with activities conducted under Title I of the act.

Perkins IV also includes two additional permissible uses of funds. Tech-prep funds may be used to improve career guidance and academic counseling through the use of graduation and career plans. Funds may also be used to develop curricula to aid in transitions between secondary and postsecondary CTE programs.

Substantial changes were also made with respect to accountability provisions and associated sanctions. Under Perkins III, tech-prep recipients were not subject to specific accountability requirements or sanctions. Rather, each eligible agency receiving funds was required to report annually to the Secretary on the effectiveness of tech-prep programs. Under Perkins IV, each consortium receiving funding is required to establish and report on the following indicators of performance with respect to tech-prep participants:

- number of secondary and postsecondary education students served;
- number and percent of secondary education students who enroll in postsecondary education, enroll in postsecondary education in the same field of study pursued at the secondary level, complete a state or industry-recognized credential or licensure, earn postsecondary credit while enrolled at the secondary level, and enroll in remedial math, writing, or reading courses in postsecondary education; and
- number and percent of postsecondary education students who are placed in a related field of employment not later than 12 months following graduation from the program, complete a state or industry-recognized credential or licensure, compete a two-year degree or certificate program within the normal time of

completion for the program, and complete a bachelor's degree within the normal time of completion for the degree.

Each consortium receiving tech-prep funding must enter into an agreement with the eligible agency to meet a minimum level of performance on the aforementioned indicators of performance, as well as on the core indicators of performance established at the secondary and postsecondary levels (see previous discussion). If a consortium does not meet these performance levels for three consecutive years, the eligible agency must require the consortium to resubmit an application for a tech-prep grant. In addition, if grants are made to consortia on a formula basis, the eligible agency may terminate funding to a consortium that fails to meet its performance levels for three consecutive years.

Perkins IV authorizes "such sums as may be necessary" for FY2007-FY2012 for tech-prep. The tech-prep demonstration program, however, was not reauthorized. The demonstration program was last funded in FY2005 at \$4.9 million.

## **Equitable Participation of Private School Staff and Students**

Perkins III permitted eligible agencies and eligible recipients to include secondary education staff in nonprofit private schools in the geographical area served by the eligible agency or recipient to participate in vocational and technical education professional development activities (Section 317). Perkins IV modifies this provision to require, "to the extent practicable, upon written request," eligible agencies and eligible recipients to include the aforementioned private school personnel in career and technical education professional development activities upon written request of the private school personnel.

Perkins III did not specifically address the issue of the equitable participation of secondary school students enrolled in nonprofit private schools in programs and activities funded under the act, stating only that students were not barred from participation (Section 313). Perkins IV adds new provisions making it optional, upon written request, for eligible recipients to provide for the "meaningful" participation of these students in career and technical education programs and activities (Section 317). In addition, upon written request, the eligible recipient must consult "in a timely and meaningful manner" with representatives of nonprofit private schools located in the geographical area served by the eligible recipient to discuss the meaningful participation of secondary education students attending these schools in career and technical education programs and activities funded under this act.

## **Author Contact Information**

Rebecca R. Skinner  
Specialist in Education Policy  
[rskinner@crs.loc.gov](mailto:rskinner@crs.loc.gov), 7-6600

Richard N. Apling  
Specialist in Education Policy  
[rapling@crs.loc.gov](mailto:rapling@crs.loc.gov), 7-7352