

**Legislative  
Summary & Analysis**

**Strengthening Career and  
Technical Education for the  
21<sup>st</sup> Century Act (Perkins V)**

## **Legislative Background**

On July 23, 2018, on a unanimous voice vote, the Senate approved a bill to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins) by taking up H.R. 2353, the House-passed Perkins reauthorization bill and then adopting a substitute amendment offered by Senator Alexander (R-TN). The substitute amendment contains the text of S. 3217, which was the Senate's bill to reauthorize Perkins. The bill was approved under unanimous consent and no other amendments were considered on the floor. Later that same week, on July 25, 2018 the U.S. House of Representatives took up the Senate-passed version of H.R. 2353 and also approved it by voice vote. With both chambers of Congress approving the same bill, no conference committee was needed. The bill was forwarded to the President for signature, and was signed into law on July 31, 2018.

### **Editorial Note:**

*Please note that citations contained in this document are based on current law (the Carl D. Perkins Career and Technical Education Act of 2006) as amended by H.R. 2353, The Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act. We are referring to this new law as Perkins V, despite the lack of the word Perkins in its legislated title.*

### **Authorization Period and Levels (Sec. 9)**

Perkins V will take effect on July 1, 2019. This date will also mark the beginning of the one-year transition period, which allows eligible agencies to submit a one-year transition plan. Perkins V would reauthorize the federal investment for a total of six years, covering FY 2019 through FY 2024 (July 1, 2019 through June 30, 2025). For the Title I Basic State Grant program, the bill would authorize \$1.229 billion for FY 2019 and gradually increase this authorization level to \$1.318 billion in FY 2024, which represents a 10.57 percent increase over the course of the Act compared to the amount Congress allocated to the Perkins Basic State Grant program in FY 2018. The existing Title II program of the law known as "Tech Prep," and section 118, known as the Occupational and Employment Information program, are eliminated; neither program has been funded in recent years.

It is important to note that authorization levels are a suggestion, not a guarantee of funding levels because Congressional appropriators must develop and pass separate funding legislation annually. Then, the President must sign such legislation in order for these funding levels to be realized.

## State Eligible Agency and Governance Structure

Perkins V retains the state governance structure of current law, whereby the state will identify an eligible agency to receive and administer the funds received from the Perkins Basic State Grant. General responsibilities for the agency, such as state plan development and local grantee oversight, largely stay the same. However, some of these processes change significantly (please see below for additional details on these changes).

## State Allotment (Sec. 111) and Within-State Allocations (Sec. 112)

The current federal-to-state formula determining state allocations for the Perkins Basic State Grant would largely stay in place in Perkins V with one exception: a significant change to the hold harmless provision as described below. In addition, the overall percentages for distributing funding within the state also remain largely unchanged, with up to 5 percent for state administration, 10 percent for state leadership, and 85 percent for local program distribution. Eligible agencies also retain the responsibility to determine the percentage of funds for local program distribution that is directed to the secondary and postsecondary levels (i.e., the secondary and postsecondary split). A few changes within these areas are noted below.

### Hold Harmless

The hold harmless provision in current law is removed. Instead, a provision is added that ensures no state shall receive a Basic State Grant that is less than the amount received in FY 2018. This amount is referred to as a “foundational grant.” If Congress appropriates an amount for the Basic State Grant that is less than the amount appropriated in FY 2018, every state would receive an allotment that is ratably reduced (e.g., if Congress reduced the overall appropriations for Perkins by five percent, every state would receive a five percent reduction in funds from the amount they received in FY 2018). If Congress appropriates an amount for Perkins that is greater than the amount they provided in FY 2018 in subsequent years, the formula for “additional funds” from current law will be used to allocate the additional funds.

### State Administration

The existing 5 percent State Administration set-aside (Sec. 112(a)(3)), including the state match requirement (Sec. 112(b)) and related responsibilities described in current law (Sec. 121), all remain unchanged under this proposal.

### State Leadership

While the 10 percent State Leadership set-aside (Sec. 112(a)(2)) itself stays the same under Perkins V, there are two significant changes made to this section of the bill:

#### Set-Aside for Recruiting Special Populations to Enroll in CTE Programs

Perkins V adds a new provision to require an amount that is the lesser of two options: 1) 0.1 percent or 2) \$50,000, to be used for the recruitment of special population to enroll in CTE programs. The legislative language does not specify, as the corrections set-aside does, that this is a percentage of the Basic State Grant. Therefore, the determination should be interpreted as 0.1 percent (or \$50,000, whichever is less) of the State Leadership set-aside.

#### State Institutions Set-Aside

Perkins V increases the allowable state set-aside (Sec. 112(a)(2)(A)) to serve individuals in state institutions from 1 percent to 2 percent of the total amount of the Perkins Basic State Grant

(but these funds come out of the amount allowed for State Leadership, which is consistent with current law), and specifically adds juvenile justice facilities to the types of institutions where these funds can be used. Also, an investment in individuals in State institutions is now a required use of funds under Section 124.

### **Reserve Fund**

The allowable “reserve fund” (Sec. 112(c)) has been increased from 10 percent to 15 percent. The reserve fund is an option available to eligible agencies to distribute funds to eligible recipients through an alternative method. The criteria for using these funds are similar to current law (high numbers or percentages of CTE students or rural communities), but one additional option is added: areas with disparities or gaps in performance among population groups. Eligible agencies have a lot of flexibility in how to direct reserve fund resources; however, the new law specifies that they should spur innovation or support programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries.

## **State-to-Local Formula and Eligible Recipients/Institutions**

The current state-to-local formulas (Secs. 131 & 132) determining local grant allocations and the minimal allocations (\$15,000 for eligible recipients at the secondary level and \$50,000 for eligible recipients at the postsecondary level) would remain unchanged. Additionally, local education agencies, area career and technical education schools, and community/technical colleges remain the primary recipients (called eligible recipients) of local Perkins funding under this proposal. However, Indian Tribes, Tribal organizations, and Tribal educational agencies are added as eligible recipients at the secondary level, and at the postsecondary level as well, along with tribally controlled colleges or universities.

It is also important to note that while the statute re-orders the listing of entities under the “eligible institution” definition to list consortia at the beginning of the list rather than at the end, this change has no meaningful effect other than to more directly highlight consortia as an option.

## **Highlighted Definitional Changes (Sec. 3)**

Perkins V contains 55 definitions compared to 34 definitions in current law. Many of these definitions are new, but several definitions in current law were amended. Some of the new definitions were added in an effort to align terminology with the Workforce Innovation and Opportunity Act (WIOA) and the Every Student Succeeds Act (ESSA). Highlights of the changes and additions are included below (with definitions directly related to the accountability provisions of the law featured in the following section).

### **Area Career and Technical Education School**

This term largely stays the same, but the number of required occupational fields needing to be offered has been reduced from five to three. There is additional emphasis on occupational fields offered in “in-demand” industry sectors or occupations, but this does not constitute a new requirement.

### **Career and Technical Education**

Significant changes were made to the definition of Career and Technical Education (CTE), and, as with current law, this definition determines what activities can be funded. The new definition specifies that content must be aligned with ESSA’s state-identified academic standards at the secondary level and with rigorous academic standards at the postsecondary level. There is a new emphasis on “in-

demand” industry sectors and occupations, although this does not constitute a new requirement. The definition also references the WIOA term “recognized postsecondary credential,” which includes a spectrum of credentials, but limits the list for the purposes of this law to industry-recognized credentials, certificates, or associate degrees to ensure funding remains focused on sub-baccalaureate credentials. The definition also includes new references to work-based learning, career exploration, and secondary-postsecondary connections, although none are specifically required.

### ***CTE Participant***

A CTE participant is defined as an individual at either the secondary or postsecondary level who completes at least one CTE course in a CTE program or program of study. This definition is not used with regard to accountability requirements. It is referred to in the reserve fund, national activities, and elements of the local application and local uses of funds.

### ***Credit Transfer Agreement***

This new definition encompasses formal agreements among and between secondary and postsecondary education institutions that grant transcribed postsecondary credit. The definition specifically points out that these credits include those granted to students through a variety of means, such as dual or concurrent enrollment programs, credit granted on the basis of performance on technical assessments and more. This definition is referenced within the definition of an articulation agreement and in the secondary performance indicator of program quality.

### ***Eligible Entity***

This term is defined as a consortium that includes 1) representatives of at least two of these categories of entities : local education agencies, education service agencies, area career technical education schools, Indian Tribes or organizations, institutions of higher education or state educational agencies, 2) representatives of at least one business or industry partner and 3) one or more stakeholders (which may include parents and students, representatives of local agencies serving out-of-school youth, homeless children and youth and at-risk youth, Indian Tribes or Tribal organizations, minority serving institutions, special populations, representatives of adult CTE providers, or other relevant community stakeholders). This definition is referenced only in regard to the competitive grant program in the National Activities section; it will not impact which entities are eligible for funding under the Basic State Grant.

### ***Professional Development***

A new, formal definition of Professional Development is introduced in Perkins V. This definition is modeled off the professional development definition in ESSA, but contains more CTE-relevant language. Professional development is defined as activities that are an integral part of strategies for providing educators with the knowledge and skills needed to enable students to succeed in CTE, and that are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based. A long list of possible topics is also included (but none are required).

### ***Programs of Study***

A new, formal definition for CTE programs of study is introduced here and is emphasized throughout the legislation. The term uses some of the existing language from current law, defining a CTE program of study as a coordinated, non-duplicative sequence of academic and technical content at the secondary and postsecondary level that incorporates challenging, state-identified academic standards; addresses academic and technical knowledge, as well as employability skills (a purposefully

undefined term in the bill); is aligned to the needs of industries in the state, region, Tribal community, or local area; progresses in content specificity; has multiple “entry and exit points” that allow for credentialing; and ultimately culminates in the attainment of a recognized postsecondary credential.

### **Special Populations**

Two new categories of special population students (homeless individuals and youth with parents on active duty in the armed forces) are added to the current definition to reflect changes made under ESSA. Special Populations are now defined as:

- (a) individuals with disabilities;
- (b) individuals from economically disadvantaged families, including low-income youth and adults;
- (c) individuals preparing for non-traditional fields;
- (d) single parents, including single pregnant women;
- (e) out-of-workforce individuals;
- (f) English learners;
- (g) homeless individuals;
- (h) youth who are in, or have aged out of, the foster care system; and
- (i) youth with parents on active duty in the armed forces.

### **Work-based Learning**

A new, formal definition of work-based learning is included. It emphasizes sustained interactions with industry or community professionals in real workplace settings where possible, but includes simulated environments as well. Under the definition, work-based learning must foster in-depth, first-hand engagement with the tasks required of a given career field and be aligned to curriculum and instruction.

### **ESSA-Adopted Terminology**

Perkins V adopts a number of terms from ESSA. References to dual or concurrent enrollment, early college high schools, English learners, evidence-based, high school, paraprofessionals, specialized instructional support personnel and services, and universal design for learning all take on the meanings as defined in ESSA. An online version of this Act is [available here](#).

### **WIOA-Adopted Terminology**

As with ESSA, there are also a number of terms from WIOA incorporated into this law. References to career pathways, in-demand industry sectors or occupations, industry or sector partnerships, local and state workforce development boards, out-of-school youth, and recognized postsecondary credentials all take on the meanings as defined in WIOA. An online version of this Act is [available here](#).

## **Accountability—Definitions, Core Indicators, Performance Targets, and Improvement Plans (Sec. 113)**

Significantly, Perkins V would introduce formal definitions for CTE concentrators.

### **CTE Concentrator**

This definition is the primary unit of analysis for Perkins V’s accountability framework.

- (a) At the secondary level, a concentrator is defined as a student who completes at least two courses in a single program or program of study.

- (b) At the postsecondary level, a concentrator is defined as a student who earns 12 credits in a single CTE program or program of study or completes a CTE program if that program encompasses fewer than 12 credits.

### **Secondary Core Indicators of Performance**

Indicators listed below are based on the secondary concentrator definition, as defined above.

1. Graduation rates (based on the ESSA four-year rate with an option to also use the extended-year rate should a state choose to do so).
2. Academic proficiency (largely the same as current law and based on ESSA state-identified academic standards and related assessments).
3. Two quarters after exiting from secondary education, student placement in postsecondary education or advanced training, military service, a service program, the Peace Corps or employment.
4. A measure of “CTE program quality,” whereby the state must pick one of the following three:
  - a. student attainment of recognized postsecondary credentials;
  - b. student attainment of postsecondary credits in their CTE program/program of study; or
  - c. percentage of students participating in work-based learning.

Note: In addition to selecting one of the three quality indicators above, an eligible agency may also include a second quality indicator defined as any other measure so long as it is statewide, valid, reliable, and comparable across the state. This is where technical skills assessment (TSA) would fall, if the state chose to continue to set performance targets for TSA attainment.

5. The percentage of CTE concentrators in CTE programs that lead to nontraditional fields.

### **Postsecondary Core Indicators of Performance**

All postsecondary indicators are based on CTE concentrators, as defined above. The first two indicators are inspired by WIOA youth measures, but not fully aligned.

1. The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, a service program, the Peace Corps or are placed or retained in employment.
2. The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.
3. The percentage of CTE concentrators in CTE programs that lead to nontraditional fields.

### **Performance Targets**

Under Perkins V, eligible agencies will have the ability to set state determined levels of performance for each of the indicators listed above without the need to enter into negotiations with the U.S. Department of Education (USDE). Eligible agencies will set these state determined levels of performance in their state plan, meaning an eligible agency will set all four years of targets in their state plan submitted to the U.S. Secretary of Education (Secretary) for approval (note: this is referring to the four-year plan, not the one-year transition plan). As with current law, these state determined levels of performance must be expressed in a percentage or numerical form.

Perkins V also introduces the following new requirements for eligible agencies to abide by in setting the state determined levels of performance. These state determined levels of performance must:

1. Require the State to continually make meaningful progress toward improving the performance of all CTE students, including subgroups and subpopulations. This language is similar to but not the same, as current law, which requires States to continually make progress. The differences between current law and the new language are uncertain; we are seeking clarification from Committee staff.
2. Be subject to a public comment process. Perkins V requires the eligible agency to develop the state determined levels of performance in consultation with the stakeholders (defined as the stakeholders specified in Sec. 122 – State Plan) involved in the state plan development process and then provide the public with the opportunity to submit written comments on the state determined levels of performance at least 60 days before the plan is submitted (although the comment period does not have to extend the full 60 days). The comments received must be included in the state plan and the eligible agency must include a written response to these comments in the state plan.
3. Take into account the extent to which the state determined levels of performance advance the accomplishment of the goals identified in the state plan.
4. If adjusted, take into account how the state determined levels of performance involved compare to those established by other states, considering factors including the characteristics of actual CTE concentrators (as opposed to anticipated) when CTE concentrators entered the program and the services or instruction to be provided.
5. If adjusted, be higher than the average actual performance of the two most recently completed program years.

Adjustment of Targets for Subsequent Years: Eligible agencies may revise their state determined levels of performance prior to the third program year covered by the state plan, but such levels must still meet all of the requirements (as listed above) for state determined levels of performance, including the required stakeholder input and public comment process.

Waiver: In the case of unanticipated circumstances or changes or improvements in data or measurement approaches, the eligible agency may submit adjusted state determined levels of performance at the end of a program year. In this case, the adjusted levels must meet all of the requirements for state determined levels of performance (including being subject to the public comment process), except the requirements that the adjusted levels be higher than the average of the actual performance of the two previous years and that the adjusted levels take into account the levels of other states or consider the characteristics of actual CTE concentrators (as opposed to anticipated) when CTE concentrators entered the program.

Secretary Approval: Despite the removal of the federal-to-state performance negotiation process, the Secretary would still have the authority to disapprove state plans based on the state determined levels of performance included in such plans. This is because the state determined levels of performance are considered to be part of the “requirements of the Act” and, as such, are in the purview of reasons why the Secretary may choose to disapprove a state plan (more on this in the next section).

Local Performance Targets: Perkins V would maintain the requirement that local grant recipients adopt the state determined levels of performance for each of the core indicators of performance or individually negotiate with the eligible agency to develop local levels of performance. Under either option, the local performance levels must meet the requirements outlined above and also take into account how those levels compare among other eligible recipients in the state, local economic conditions, the extent to which the levels advance the accomplishment of the goals outlined in a local application, and the eligible recipient’s ability to collect and assess data.

**State and Local Reports:** Additionally, eligible agencies would continue to be required to publicly report and share widely their actual performance on the core indicators of performance, with the additional requirement that these reports be in easily accessible formats and languages, as determined by the eligible agency. State and local reports would maintain the requirements in current law and continue to require the reporting and disaggregation of data. Perkins V also requires additional disaggregation occur for each core indicator by CTE program or program of study (and if this level of reporting is impractical, the data may be disaggregated by career clusters of CTE concentrators). This level of disaggregation would not be required in cases in which the number of students in a category is insufficient to yield statistically reliable information or would reveal personally identifiable information about a student. Disaggregation is also required for the two placement indicators, if data is available. This reflects current practice, but was not included in prior statute.

### ***Improvement Plans and Sanctions (Sec. 123)***

As with current law, if a state fails to meet at least 90 percent of its state determined level of performance for any of the core indicators, it must implement an improvement plan. When under such an improvement plan, the state may not adjust performance levels. USDE may withhold funding from a state that fails to implement an improvement plan or if the state had been implementing an improvement plan for any specific indicator and fails to meet at least 90 percent of the state determined level of performance for that indicator for two consecutive years after being identified for improvement. It is important to note that all of these changes are mirrored at the state-to-local level. While the legislative language is different, functionally there is no difference in the timeline for sanctions as compared to current law.

### **State Plan (Sec. 122)**

As with current law, each eligible agency would still be required to submit a plan to USDE in order to receive its allocation. Notably, Perkins V reduces the period of time covered by the state plan to four years (from six years) in an effort to align it with the state plan length in WIOA. There is also a new option for the eligible agency to submit a four-year state plan to the Secretary 120 days prior to the end of the four-year plan initially submitted under this Act. Eligible agencies retain the option to submit annual revisions, as they do under current law.

Overall, Perkins V requires eligible agencies to develop two plans during the authorization period: a one-year transition plan, and a four-year plan. Then, the eligible agency decides whether to submit a second four-year plan, which will cover the last year of this authorization and three additional subsequent years, or to submit annual revisions.

Eligible agencies retain the two options under current law to submit a plan—a “single plan,” or a “combined state plan” as outlined in WIOA. The decision to incorporate the Perkins V plan into a combined state plan with WIOA resides with the Perkins eligible agency. Perkins V lists the “combined plan” first under the options for submitting a state plan, however this does not have meaningful impact or signal a preference.

### ***State Plan Development***

As is currently the case, the eligible agency would be required to consult with a number of entities within the state, including the Governor, on state plan development. Perkins V's list expands upon current law to now include:



- Representatives of secondary and postsecondary CTE programs, including eligible recipients and representatives of 2-year minority-serving institutions and historically Black colleges and universities and tribally controlled colleges or universities in States where such institutions are in existence, adult career and technical education providers, and charter school representatives in States where such schools are in existence, which shall include teachers, faculty, school leaders, specialized instructional support personnel career and academic guidance counselors, and paraprofessionals;
- Interested community representatives, including parents, students and community organizations;
- Representatives of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);
- Members and representatives of special populations;
- Representatives of business and industry (including representatives of small business), which shall include representatives of industry and sector partnerships in the State, as appropriate, and representatives of labor organizations in the State;
- Representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(d)(3));
- Representatives of Indian Tribes and Tribal organizations located in, or providing services in, the State; and
- Individuals with disabilities.

Notably, there is a new requirement for the eligible agency to meet with officials from the Governor's office during the development of the state plan and prior to the submission of the state plan, as well as deliver the state plan to the Governor for signature 30 days before submitting the state plan to the Secretary. If the Governor does not sign the plan within 30 days of receiving it, the eligible agency must submit the plan without the Governor's signature. While Perkins V maintains the requirement that eligible agencies conduct public hearings on the state plan, it now specifies that the public comment period be at least 30 days. This public comment period must occur after the eligible agency makes the state determined levels of performance available for public comment, as required by section 113 (details above). This is because responses to the public comments must be incorporated into the state plan and the state determined levels of performance are to be included in the state plan.

The eligible agency still determines the "split" of the state's Perkins grant between secondary, postsecondary and adult CTE. However, Perkins V directs eligible agencies to consult with the state agency responsible for adult education when determining this split of funds, in addition to the state education agency and the state agency responsible for overseeing two-year postsecondary institutions (which were required in current law).

### **State Plan Contents**

Perkins V changes some of the content requirements for the state plan in comparison to current law. The number of components is reduced from 20 to 14, but many components are expanded in scope. In brief, the plan must include:

1. a summary of the state's workforce development activities and the degree to which CTE programs in the state both align to them and address the needs of employers identified by the State workforce development board;
2. the state's strategic vision and goals for preparing an educated and skilled workforce;

3. a strategy for joint planning, alignment, coordination and leveraging of funds between CTE programs with the state's workforce development system to achieve the goals listed above—this element of the state plan requires that CTE align with other federal programs, including the state's core programs in WIOA, ESSA, and the Higher Education Act (HEA);
4. detailed descriptions for how CTE programs and programs of study will be developed, supported, improved, and approved (including the criteria used to assess how local applications will promote continuous improvement, expand access to CTE for special populations and support the alignment of employability skills) and for how the eligible agency will include opportunities for secondary students to participate in early postsecondary opportunities;
5. how the eligible agency will approve local eligible recipients for funding;
6. how the eligible agency will support the recruitment and retention of CTE teachers, faculty, and administrators, including professional development that provides the knowledge and skills needed to work with and improve instruction for special populations;
7. a description for how the eligible agency plans to spend its state leadership resources;
8. how the eligible agency will determine the "split" between secondary and postsecondary CTE systems;
9. a description of the eligible agency's program strategies for special populations, including how individuals who are members of the special populations will be provided with appropriate accommodations and instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment;
10. a description of how the eligible agency will determine levels of performance for the core indicators of performance described above, including a description of the public comment process, an explanation for the levels and how these levels set align with the levels, goals and objectives of other federal and state laws;
11. a description of how the eligible agency will address disparities or gaps in performance in each of the plan years; and if no meaningful progress has been achieved before the third program year, the additional actions the eligible agency will take to eliminate these disparities or gaps. It is important to note that the Committee staff indicated that their intent behind this state plan requirement (and the similar local application requirements) is to require the eligible agency to share its process for reviewing data, determining disparities and gaps and determining activities to address them. It was not the intention of the staff to include the gaps or address disparities in the initial state plan.
12. a description of how the eligible agency will involve stakeholders in the planning, development, implementation and evaluation of CTE programs;
13. assurances that the eligible agency will comply with the legal requirements of the Act; and
14. a description of the opportunities for public to comment on the state plan in person and in writing.

### **State Plan Approval**

The Secretary is required to approve the state plan so long as it "meets the requirements of the Act." A state plan is also deemed approved if the Secretary has not responded within 120 days. As mentioned earlier, the Secretary still retains the ability to disapprove a state plan if it does not meet the requirements of the Act, which includes the requirement that the state determined levels of performance meet the criteria specified in the Act. Should the Secretary elect to disapprove the state plan for any reason, USDE must notify the eligible agency in writing, provide justification for its disapproval, and grant the eligible agency a hearing. However, the steps that would be taken following a hearing are not specified.

## State Leadership (Sec. 124)

As noted earlier, Perkins V maintains the current 10 percent set-aside for State Leadership activities. In current law there are nine required uses of funds and 17 permissible uses. Perkins V changes these requirements to five required uses of funds and 25 permissible uses of funds. The required State Leadership uses of funds include:

1. support for preparation for non-traditional fields in current and emerging professions, support for programs for special populations, and other activities that expose students, including special populations, to high skill, high wage and in-demand occupations;
2. individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities;
3. recruiting, preparing, or retaining of CTE teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as pre-service, professional development, or leadership development programs;
4. providing technical assistance to local eligible recipients; and
5. reporting on the effectiveness of this funding stream in achieving the state's strategic vision and goals for "preparing an educated and skilled workforce" as well as meeting the state's state determined levels of performance for the core accountability indicators and reducing disparities or performance gaps in those levels.

There are a total of 25 permissible uses of funds under this section, which vary greatly in scope and feasibility. In brief, they are:

- developing statewide programs of study;
- approving locally developed programs of study;
- establishing statewide articulation agreements;
- establishing statewide sector or industry partnerships;
- high-quality comprehensive professional development;
- supporting eligible recipients in eliminating inequities in student access to high-quality programs of study and effective instructional personnel;
- awarding incentive grants to eligible recipients;
- supporting the adoption and integration of recognized postsecondary credentials and work-based learning into programs of study, and for increasing data collection associated with recognized postsecondary credentials and employment outcomes or consultation with other State agencies on licenses or certifications;
- pay for success initiatives leading to a recognized postsecondary credential;
- supporting CTE programs for adults and out-of-school youth;
- supporting competency-based curricula;
- supporting programs of study or career pathways in areas declared to be in a state of emergency;
- partnering with qualified intermediary organizations;
- improving career guidance and academic counseling programs;
- supporting the integration of employability skills into CTE programs and programs of study;
- supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science, coding, and architecture), supporting the integration of arts and design skills, and supporting hands-on learning, particularly for students who are members of groups underrepresented in such subject fields;
- supporting career and technical student organizations (CTSOs);
- establishing and expanding work-based learning opportunities;

- integrating and aligning programs of study and career pathways;
- supporting the use of CTE programs and programs of study aligned with in-demand industry sectors or occupations;
- making all forms of instructional content widely available;
- developing valid and reliable assessments of competencies and technical skills and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;
- supporting accelerated learning programs that are part of a program of study;
- supporting career academies; and
- other State leadership activities that improve CTE.

## Local Application (Sec. 134)

The local plan as it exists in current law is renamed the “local application” for purposes of Perkins V, and is restructured into three pieces: the actual application components, the comprehensive needs assessment and consultation requirements.

### *Application Components*

Each eligible recipient must submit a local application to be eligible for funding, and the local application should cover the same time period as the state plan—four years. Eligible agencies can add additional requirements (as under current law), but the following specific requirements for the application are delineated in the bill:

1. a description of the results of the comprehensive needs assessment;
2. information on the CTE course offerings and activities to be provided with Perkins funds, which shall include at least State-approved one program of study;
3. a description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, one-stop delivery systems, and other partners, will provide a series of career exploration and career guidance activities;
4. a description of how the eligible recipient will improve the academic and technical skills of students participating in CTE programs by strengthening the academic and CTE components of such programs through integration;
5. a description of how the eligible recipient will provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; prepare CTE participants for non-traditional fields; provide equal access for special populations to CTE courses, programs, and programs of study; and ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;
6. a description of the work-based learning opportunities that the eligible recipient will provide to students participating in CTE programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for CTE students, as applicable;
7. a description of how the eligible recipient will provide students participating in CTE the opportunity to gain postsecondary credit while still attending high school, as practicable;
8. a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development, of teachers, faculty, administrators, and specialized instructional support personnel; and
9. a description of how the eligible recipient will address disparities or gaps in performance between groups of students in each of the plan years, and if no meaningful progress has been

achieved prior to the third program year, a description of the additional actions that will be taken to eliminate these disparities or gaps.

### **Comprehensive Needs Assessment**

The comprehensive needs assessment is the largest addition to this section of the law. This new process must be completed by the eligible recipient at the beginning of the grant period and updated at least once every two years. The needs assessment should include reviews of at least five elements:

1. student performance on the performance indicators, including the performance of special populations and subgroups;
2. whether programs are of sufficient size, scope, and quality to meet the needs of all students served by the eligible recipient and are meeting labor market needs;
3. progress toward the implementation of CTE programs and programs of study;
4. how the eligible recipient will improve recruitment, retention, and training of CTE professionals, including underrepresented groups; and
5. progress toward implementation of equal access to high-quality career and technical education courses and programs of study, for all students.

### **Consultation Requirements**

The local recipient is required to consult with a number of groups during the needs assessment process and development of the local application, an expansion of the consultation process that is included in current law related to the local plan. These groups include secondary and postsecondary educators, administrators and other support staff; state or local workforce development boards; business and industry representatives; parents and students; representatives of special populations; representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth; representatives of Indian Tribes and Tribal organizations in the State (where applicable); and any other stakeholders required by the eligible agency.

In addition, continued consultation is required with these groups, with specific parameters determined by the eligible agency. This continued consultation may address updates to the needs assessment, ensure that programs remain responsive to labor market and employer needs, give employers opportunities to provide input into programs, identify work-based learning opportunities, and ensure funding is coordinated with other local resources.

### **Local Uses of Funds (Sec. 135)**

One of the most significant changes to the local uses of funds section is the link to the local needs assessment, and the requirement that the allocation of resources be aligned with the results of that assessment. Specifically, the section requires that funds be spent “to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c).”

The other significant change is that the uses of funds are streamlined. The majority of the current uses of funds are still covered, although some have fewer explicit clauses. There are also no longer discrete “required” and “permissive” uses of funds subsections, but instead, many of the former “permissive” uses are included as options under required activities.

In addition to the overall requirement that local funds be used to support CTE programs of sufficient size, scope and quality to be effective, the bill includes six new “required” activities:

1. provide career exploration and career development activities through an organized, systematic framework;
2. provide professional development for a wide variety of CTE professionals;
3. provide within CTE the skills necessary to pursue high-skill, high-wage or in-demand industry sectors or occupations;
4. support integration of academic skills into CTE programs;
5. plan and carry out elements that support the implementation of CTE programs and programs of study and that result in increased student achievement; and
6. develop and implement evaluations of the activities funded by Perkins.

Key activities such as purchasing equipment and supporting CTSOs, work-based learning, and dual and concurrent enrollment, among numerous others (20 in total), are included under the elements that support implementation of programs and programs of study.

In addition, the option for local recipients to pool funds with other recipients that exists in current law was maintained in Perkins V, but only related to professional development activities. This is also explicitly referenced in the State Leadership permissible uses of funds section as an option that can be incentivized by the eligible agency. Finally, and in line with current law, the 5 percent limit on administrative costs at the local level has been carried over in Perkins V.

## **National Activities (Sec. 114)**

Significant changes were made to the elements included under the national activities section of the bill. First, the Director of the Institute of Education Sciences (IES) is brought in as a partner in administering data collection, research and evaluation activities.

Specific language is added to the section to now require the Secretary to carry out the research and evaluation activities in this section. The single plan for these activities and advisory panel are maintained from current law, with a few additional stakeholders required.

The national assessment of CTE is reconfigured as a national “evaluation” under this set of activities, with a series of grants, contracts or cooperative agreements awarded competitively. Reports from the evaluation are due every two years after the law’s enactment.

There is no longer a requirement for a specific “national research center” as under current law, although nothing in the bill would preclude USDE from establishing one or more centers, and research remains a key component of this section. Research grants must also be awarded competitively to institutions of higher education or consortia of one or more institutions of higher education and one or more private nonprofit partners and a variety of research activities are outlined. In addition, a new innovation and modernization grant program is added to the section. Under this program, USDE would award competitive grants to eligible entities, eligible institutions or eligible recipients to identify, support and rigorously evaluate evidence-based and innovative strategies and activities to improve and modernize CTE and align workforce skills with labor market needs.

This section, as in current law, has a funding stream separate from the Basic State Grant program authorized elsewhere under Title I of Perkins, and now includes specific authorization levels for these activities. In FY 2019 this section would be authorized at \$7.651 million, which would grow over time to \$8.202 million by FY 2024. Much like authorization levels contained elsewhere in Perkins V,

Congress must pass separate appropriations legislation for these funding levels to be realized. It is also important to note that Perkins V requires the research and evaluation components as outlined above, but notes that the innovation and modernization program is an option for which up to 20 percent of the overall allocation for this section can be spent.

## **Fiscal Provisions: Supplement-not-Supplant and Maintenance of Effort (Sec. 211)**

Current supplement-not-supplant requirements stay intact under Perkins V.

While Perkins V maintains the current 100 percent state fiscal effort requirement that compels eligible agencies to maintain the same fiscal effort, on an aggregate or per-pupil basis, as they did the year before, it also introduces some new flexibility.

First, Perkins V allows the eligible agency to exclude additional CTE-related expenditures including competitive or incentive-based programs (in addition to currently allowed capital expenditures, special one-time project costs, and the cost of pilot programs), at the request of the eligible agency. It is important to note that it is at the eligible agency's discretion to include or exclude any of these expenditures.

Second, the new maintenance of effort (MOE) language affords eligible agencies the one-time-only opportunity to "reset" their existing MOE baseline level for the first full fiscal year following the law's enactment date (which would be FY 2020 should Perkins V become law). However, eligible agencies may still elect to maintain their existing baseline should they choose to do so. If reset, the new baseline must be at least 95 percent of prior year expenditures. The waiver language is also amended to remove the option for the Secretary to waive the requirements of 5 percent of expenditures for one year, but maintains waivers in the event of exceptional or uncontrollable circumstances.

## **Miscellaneous Provisions and Conforming Amendments**

### ***Middle Grades Change (Sec. 215)***

Perkins V removes a restriction from current law that prohibited funding to provide CTE programs to students below the seventh grade, instead replacing it with a prohibition on funding below the "middle grades." This provision specifies that "middle grades" is defined as it is in ESSA, which includes grades 5-8.

### ***New GAO Study (Sec. 219)***

Perkins V would require the Government Accountability Office (GAO) to conduct a study to evaluate the "strategies, components, policies, and practices" used by eligible agencies and local eligible recipients to ensure that all students, including specific subpopulations, are able to pursue and complete CTE programs of study aligned to high-skill, high-wage occupations. The study would also assess any challenges associated with the replication of these approaches, and require a specific focus on subgroups that may be underrepresented in such occupations. In conducting this study, the GAO must consult with students and parents, eligible agencies and recipients, teachers and faculty and other educators, Indian Tribes and Tribal organizations, special populations, and representatives of business and industry. The study would be submitted to the House Committee on Education and the Workforce and Senate HELP Committee and would not be binding.

### ***Wagner-Peyser Alignment***

The Workforce and Labor Market Information System under Wagner-Peyser (Title III of WIOA) is amended through Perkins V to ensure that the labor market information produced under Wagner-Peyser can be readily accessed and used by the Perkins eligible agency and in turn, local eligible recipients.

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