

S.250 Carl D. Perkins Career and Technical Education Improvement Act of 2006
Analysis of Equity Provisions

Final Perkins Bill	Explanation/Implications/Recommendations
TITLE I -- BASIC STATE GRANT	
SEC. 2. PURPOSE	
<p>The purpose of this Act is to develop more fully the academic and career and technical skills of secondary education students and postsecondary education students who elect to enroll in career and technical education programs, by--</p> <p>(1) building on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high skill, high wage, or high demand occupations in current or emerging professions;</p>	<p><i>References to “high skill,” “high wage,” and “high demand” occupations appear throughout Perkins IV. Although these terms are not defined, nontraditional occupations, particularly those for women, are likely to make up a majority of these occupations. In many instances high skill and high wage are “code words” for nontraditional occupations.</i></p>
SEC. 3. DEFINITIONS	
<p>(10) DISPLACED HOMEMAKER- The term `displaced homemaker' means an individual who--</p> <p>(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;</p> <p>(ii) has been dependent on the income of another family member but is no longer supported by that income; or</p> <p>(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and</p> <p>(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</p>	<p><i>There has been no change to this definition. States and locals will continue to be required to disaggregate performance and enrollment data on displaced homemakers. In addition, there is a new required use of funds for displaced homemaker program (see Sec. 135(b)(9)—“Required use of local funds”). Assistance under part A of title IV of the Social Security Act” refers to Temporary Assistance for Needy Families (TANF) or welfare payments.</i></p>
<p>(16) INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY- The term `individual with limited English proficiency' means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and--</p> <p>(A) whose native language is a language other than English; or</p> <p>(B) who lives in a family or community environment in which a language other than English is the dominant language.</p>	<p><i>There has been no change to this definition. States and locals will continue to be required to disaggregate performance and enrollment data on individuals with limited English proficiency.</i></p>
<p>(17) INDIVIDUAL WITH A DISABILITY-</p> <p>(A) IN GENERAL- The term `individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).</p> <p>(B) INDIVIDUALS WITH DISABILITIES- The term `individuals with disabilities' means more than 1 individual with a disability.</p>	<p><i>There has been no change to this definition. States and locals will continue to be required to disaggregate performance and enrollment data on individuals with a disability. In Sec. 3 of the Americans with Disabilities Act of 1990 (available at http://www.eeoc.gov/policy/ada.html) the term “disability” means, with respect to an individual—</i></p> <p><i>(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual;</i></p> <p><i>(B) a record of such an impairment; or</i></p> <p><i>(C) being regarded as having such an impairment.</i></p>
<p>(20) NON-TRADITIONAL FIELDS- The term `non-traditional fields' means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.</p>	<p><i>In Perkins IV, the term “nontraditional training and employment” has been changed to “nontraditional fields,” although there has been no change to the meaning. States and locals will continue to be required to disaggregate performance and enrollment data on individuals preparing</i></p>

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	<p>for nontraditional fields. A crosswalk with the 2005 Bureau of Labor Statistics data and 2000 CIP codes for nontraditional careers for females is available at www.napequity.org/pdf/NontradforfemalesfromBLS08-05rev.pdf and nontraditional careers for males is available at www.napequity.org/pdf/NontradformalesfromBLSrev08-05.pdf. The Bureau of Labor Statistics data is available at (http://www.bls.gov/home.htm)</p>
<p>(29) SPECIAL POPULATIONS- The term `special populations' means-- (A) individuals with disabilities; (B) individuals from economically disadvantaged families, including foster children; (C) individuals preparing for non-traditional fields; (D) single parents, including single pregnant women; (E) displaced homemakers; and (F) individuals with limited English proficiency.</p>	<p><i>There has been a slight change to this definition. In Perkins III item (F) read "individuals with other barriers to educational achievement, including individuals with limited English proficiency". States will no longer be required to collect data on students with "other educational barriers". States and locals will continue to be required to disaggregate performance and enrollment data on each of the special populations identified in Perkins IV..</i></p>
<p>(31) SUPPORT SERVICES- The term `support services' means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.</p>	<p><i>There has been no change to this definition. For information regarding supportive services, see "Other Issues" at the end of the table.</i></p>
<p>(33) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY- The term `tribally controlled college or university' has the meaning given the term in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)). (34) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION- The term `tribally controlled postsecondary career and technical institution' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that-- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes; (B) offers a technical degree or certificate granting program; (C) is governed by a board of directors or trustees, a majority of whom are Indians; (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations; (E) has been in operation for at least 3 years; (F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary career and technical education; and (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.</p>	<p><i>There has been no change to this definition. This is included here because tribally controlled colleges receive Perkins funds and may need technical assistance in developing programs that support special population students, particularly those with disabilities. See Sec. 117(e)(1)(A) for a description of the use of funds for tribally controlled colleges.</i></p>
SEC. 112. WITHIN STATE ALLOCATION.	
<p>(a) In General- From the amount allotted to each State under section 111 for a fiscal year, the eligible agency shall make available-- (1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c); (c) Reserve- From amounts made available under subsection (a)(1) to carry out this subsection, an</p>	<p><i>The "reserve" fund from the basic state grant continues to be an option for states to target funding to particular areas within the state and for a specialized purpose. The only change in the language from Perkins III is the elimination of communities negatively impacted by the change in the secondary formula when Perkins III was passed from the list of targeted</i></p>

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<p>eligible agency may award grants to eligible recipients for career and technical education activities described in section 135 in--</p> <p>(1) rural areas;</p> <p>(2) areas with high percentages of career and technical education students; and</p> <p>(3) areas with high numbers of career and technical education students.</p>	<p><i>areas of the state. Some states used this option to fund single parent/displaced homemaker programs and to target funds for improving performance on the nontraditional core indicator. This is still an option for states to consider.</i></p>
<p>(2) not more than 10 percent to carry out State leadership activities described in section 124, of which--</p> <p>(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and</p> <p>(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields; and</p>	<p><i>The 1% setaside for individuals in state institutions and the \$60,000 to \$150,000 setaside for individuals preparing for nontraditional fields continue in Perkins IV. As in Perkins III, the setaside has never been considered a "cap" on the use of state leadership funds for this purpose. (The state leadership funds section contains significant language that supports activities for special populations; see Sec. 124.)</i></p>
<p>(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of--</p> <p>(A) developing the State plan;</p> <p>(B) reviewing a local plan;</p> <p>(C) monitoring and evaluating program effectiveness;</p> <p>(D) assuring compliance with all applicable Federal laws;</p> <p>(E) providing technical assistance; and</p> <p>(F) supporting and developing State data systems relevant to the provisions of this Act.</p>	<p><i>States should consider using state administration funds to support state staff who are conducting A-F activities focused on special populations, including students preparing for nontraditional fields.</i></p>
SEC. 113. ACCOUNTABILITY	
(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL	
<p>Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:</p> <p>(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act.</p> <p>(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.</p> <p>(iii) Student rates of attainment of each of the following:</p> <p>(I) A secondary school diploma.</p> <p>(II) A General Education Development (GED) credential, or other State-recognized equivalent (including recognized alternative standards for individuals with disabilities).</p> <p>(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).</p> <p>(iv) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965).</p> <p>(v) Student placement in postsecondary education or advanced training, in military service, or in employment.</p> <p>(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.</p>	<p><i>Some significant changes have been made to the accountability measures in addition to separating secondary and postsecondary. Changes to the secondary measures include:</i></p> <ul style="list-style-type: none"> • <i>Academic and technical skill proficiency measures are two separate measures rather than combined as in Perkins III.</i> • <i>The academic measure references NCLB assessments.</i> • <i>Technical skill assessments are newly aligned with industry-recognized standards.</i> • <i>A GED is included in the "completion" measure.</i> • <i>Graduation as defined in NCLB is a separate measure from the other "completion" measure.</i> • <i>The retention measure has been deleted.</i> <p><i>There has been no change in the 4th core indicator other than to change "training and employment" to "fields," which does not change the measure. States and locals will continue to be required to measure the participation and completion of students in programs that lead to non-traditional fields at the secondary level.</i></p>

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^(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL	
<p>Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:</p> <ul style="list-style-type: none"> (i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate. (ii) Student attainment of an industry-recognized credential, a certificate, or a degree. (iii) Student retention in postsecondary education or transfer to a baccalaureate degree program. (iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions. (v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields. 	<p><i>Some significant changes have been made to the accountability measures in addition to separating secondary and postsecondary. Changes to the postsecondary measures include:</i></p> <ul style="list-style-type: none"> • <i>Academic attainment has been deleted.</i> • <i>The “industry-recognized” credential is new.</i> • <i>“Transfer to a baccalaureate degree program” in the retention measure is new.</i> • <i>Placement in high skill, high wage, or high demand occupations is new. See Other Issues at the end of this table for more discussion on this topic.</i> <p><i>There has been no change in the 4th core indicator other than to change training and employment to fields, which does not change the measure. States and locals will continue to be required to measure the participation and completion of students in programs that lead to non-traditional fields at the postsecondary level.</i></p>
^(C) ADDITIONAL INDICATORS OF PERFORMANCE-	
<p>An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, such as attainment of self-sufficiency.</p>	<p><i>Self-sufficiency is mentioned in Perkins IV in three places. Here, in the local plan section (Sec. 134(b)(8)(c)), and in the required use of local funds (Sec. 135(b)(9)). See Other Issues at the end of this table for more discussion on this topic. States are encouraged to consider developing an additional indicator of performance that measures progress toward attaining economic self-sufficiency.</i></p>
^(3) STATE LEVELS OF PERFORMANCE-	
<p>(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE-</p> <ul style="list-style-type: none"> (i) IN GENERAL- Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum-- <ul style="list-style-type: none"> (I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and (II) require the State to continually make progress toward improving the performance of career and technical education students. (ii) IDENTIFICATION IN THE STATE PLAN- Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan. (iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS- The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the 	<p><i>There are no significant changes to this part of Perkins IV. Every state will continue to be required to establish in their state plan levels of performance for each of the core indicators of performance described in Section 113(A) and (B) above. The indicators must be in percentage form and negotiated with the USDOE, Office of Vocational and Adult Education (the “Secretary”)—unchanged from Perkins III. The negotiation process will set performance measures for the first two years of Perkins IV and then every two subsequent years. The agreement should show continuous improvement on the indicators of performance and shall take into account:</i></p> <ul style="list-style-type: none"> • <i>How the negotiated performance measure compares with other states levels</i> • <i>The characteristics of participants in CTE in that state</i> • <i>The services and instruction provided in CTE in that state.</i> <p><i>If a state experiences a significant change in any of these factors the</i></p>

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<p>factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.</p> <p>(iv) ROLE OF THE SECRETARY- The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.</p> <p>(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS- Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.</p> <p>(vi) FACTORS- The agreement described in clause (iii) or (v) shall take into account--</p> <p>(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and</p> <p>(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.</p> <p>(vii) REVISIONS- If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.</p> <p>(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS- Each eligible agency shall identify in the State plan State levels of performance for each of the additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the State levels of performance for purposes of this title.</p>	<p><i>state may renegotiate its performance measure.</i></p> <p><i>Because of the work done during Perkins III to develop valid and reliable data reporting processes and state accountability systems, states should be better equipped to set accurate benchmarks and negotiate appropriate performance measures based on historical data trends. This will be particularly important when setting negotiated performance measures for the 4th core indicator. During the life of Perkins III only one state met all parts of its 4th core indicator for all five years of the Act.</i></p>
(4) LOCAL LEVELS OF PERFORMANCE-	
<p>(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE-</p> <p>(i) IN GENERAL- Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performances, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum--</p> <p>(I) be expressed in a percentage or numerical form, consistent with the State levels of performance established under paragraph (3), so as to be objective, quantifiable, and measurable; and</p> <p>(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.</p> <p>(ii) IDENTIFICATION IN THE LOCAL PLAN- Each eligible recipient shall identify, in the local</p>	<p><i>This part of Perkins IV is new. A LEA can choose to accept the state-negotiated performance measure established with the Secretary or negotiate with the state to reach its own negotiated performance measures for each of the core indicators. If a LEA chooses the latter, a relationship between the state and the local is established that is similar to the relationship between the state and the Secretary as outlined above. The negotiated performance measures must be in percentage form, show improvement over time, and be identified in the local plan. The negotiation process will set performance measures for the first two years of Perkins IV and then every two subsequent years. The agreement should show continuous improvement on the indicators of performance and shall take into account:</i></p> <ul style="list-style-type: none"> <i>• How the negotiated performance measure compares with other LEAs' levels</i>

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<p>plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.</p> <p>(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS- The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.</p> <p>(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS- Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.</p> <p>(v) FACTORS- The agreement described in clause (iii) or (iv) shall take into account-- (I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients in the State, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and (II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.</p> <p>(vi) REVISIONS- If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.</p> <p>(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS- Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.</p>	<ul style="list-style-type: none"> • <i>The characteristics of participants in CTE in that LEA</i> • <i>The services and instruction provided in CTE in that LEA.</i> <p><i>If a LEA experiences a significant change in any of these factors the LEA may renegotiate its performance measure.</i></p> <p><i>Because of the work done during Perkins III to develop valid and reliable data reporting processes and local accountability systems, LEAs should be better equipped to set accurate benchmarks and negotiate appropriate performance measures based on historical data trends. It will be important in states where individual student record systems to develop historical performance reports for LEAs showing how they have done on each of the core indicators of performance during the life of Perkins III. In states where data is generated and reported in the aggregate from the local level to the state, locals will need technical assistance in developing historical data reports on the performance of students on the core indicators of performance over the life of Perkins III to assist in calculating baselines and setting appropriate performance measures.</i></p>
(C) LOCAL REPORT-	
<p>(i) CONTENT OF REPORT- Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.</p> <p>(ii) DATA- Except as provided in clauses (iii) and (iv), each eligible recipient that receives an allocation described in section 112 shall-- (I) disaggregate data for each of the indicators of performance under paragraph (2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and</p>	<p><i>This is new in Perkins IV. Each LEA is required to submit to the state a report on its progress in meeting its negotiated performance measures. All data reported to the state must be disaggregated by the following populations:</i></p> <ul style="list-style-type: none"> • <i>Race/ethnicity</i> • <i>Gender</i> • <i>Individuals with disabilities</i> • <i>Migrants</i>

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<p>(II) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible recipient under this Act.</p> <p>(iii) NONDUPLICATION- The eligible agency shall ensure, in a manner that is consistent with the actions of the Secretary under subsection (c)(3), that each eligible recipient does not report duplicative information under this section.</p> <p>(iv) RULES FOR REPORTING OF DATA- The disaggregation of data under clause (ii) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.</p> <p>(v) AVAILABILITY- The report described in clause (i) shall be made available to the public through a variety of formats, including electronically through the Internet.</p>	<ul style="list-style-type: none"> • <i>Individuals with limited English proficiency</i> • <i>Individuals from economically disadvantaged families, including foster children</i> • <i>Single parents, including single pregnant women</i> • <i>Displaced homemakers</i> • <i>Individuals preparing for nontraditional fields</i> <p><i>The disaggregation of data will not be required for any population that is insufficient in size to yield reliably significant information or if the data could reveal the identity of an individual student. This report must also indicate any disparities or gaps in performance between any of the groups named above and the performance of all students in CTE at the LEA. It is recommended that states also ask LEAs to explain the gaps and include strategies for closing these gaps in their next year's local plan. The report must be made available to the public in multiple formats, including on the internet.</i></p>
(c) (State)Report-	
<p>(1) IN GENERAL- Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding--</p> <p>(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and</p> <p>(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.</p> <p>(2) DATA- Except as provided in paragraphs (3) and (4), each eligible agency that receives an allotment under section 111 or 201 shall--</p> <p>(A) disaggregate data for each of the indicators of performance under subsection (b)(2) for the categories of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 and section 3(29) that are served under this Act; and</p> <p>(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such category of students served by the eligible agency under this Act has made in meeting the State adjusted levels of performance.</p> <p>(3) NONDUPLICATION- The Secretary shall ensure that each eligible agency does not report duplicative information under this section.</p> <p>(4) RULES FOR REPORTING OF DATA- The disaggregation of data under paragraph (2) shall not be required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.</p> <p>(5) INFORMATION DISSEMINATION- The Secretary--</p> <p>(A) shall make the information contained in such reports available to the general public through a variety of formats, including electronically through the Internet;</p> <p>(B) shall disseminate State-by-State comparisons of the information; and</p> <p>(C) shall provide the appropriate committees of Congress with copies of such reports.</p>	<p><i>This disaggregation of data requirements for states is new in Perkins IV. Each state is required to submit to the USDOE a report on its progress in meeting its negotiated performance measures. All data reported to the Secretary must be disaggregated by the following populations:</i></p> <ul style="list-style-type: none"> • <i>Race/ethnicity</i> • <i>Gender</i> • <i>Individuals with disabilities</i> • <i>Migrants</i> • <i>Individuals with limited English proficiency</i> • <i>Individuals from economically disadvantaged families, including foster children</i> • <i>Single parents, including single pregnant women</i> • <i>Displaced homemakers</i> • <i>Individuals preparing for nontraditional fields</i> • <p><i>The disaggregation of data will not be required for any population that is insufficient in size to yield reliably significant information or if the data could reveal the identity of an individual student. This report must also indicate any disparities or gaps in performance between any of the groups named above and the performance of all students in CTE in the state. In addition the state must report the quantifiable progress of each of the categories of students listed above on each of the core indicators of performance. It is recommended that states explain these gaps and include strategies for closing these gaps in their state plans or improvement plans if necessary.</i></p>

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	<i>The Secretary must make the state reports available to the public in multiple formats, including on the Internet and copies to Congress. The information must include a state-by-state comparison.</i>
SEC. 114. NATIONAL ACTIVITIES	
<p>(a) Program Performance Information-</p> <p>(1) IN GENERAL- The Secretary shall collect performance information about, and report on, the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career and technical education. The Secretary shall report annually to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.</p>	<p><i>This is the same as in Perkins III. The Secretary must report annually to Congress on the:</i></p> <ul style="list-style-type: none"> • <i>Condition of CTE</i> • <i>Effectiveness of state and local programs, services, and activities</i> • <i>Aggregate analysis of performance</i> • <i>Analysis of the performance of special populations</i>
<p>(1) INDEPENDENT ADVISORY PANEL-</p> <p>(A) IN GENERAL- The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (2), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.</p> <p>(B) MEMBERS- The advisory panel shall consist of--</p> <p>(i) educators, administrators, State directors of career and technical education, and chief executives, including those with expertise in the integration of academic and career and technical education;</p> <p>(ii) experts in evaluation, research, and assessment;</p> <p>(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and workforce investment entities;</p> <p>(iv) parents;</p> <p>(v) career guidance and academic counseling professionals; and</p> <p>(vi) other individuals and intermediaries with relevant expertise.</p> <p>(C) INDEPENDENT ANALYSIS- The advisory panel shall transmit to the Secretary, the relevant committees of Congress, and the Library of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (2).</p> <p>(D) FACA- The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.</p>	<p><i>This is the same as in Perkins III. This is the National Assessment of Vocational Education (NAVE) Independent Advisory Panel. Since the contents of the NAVE includes an analysis of the extent to which CTE programs prepare special population students for high skill, high wage occupations or for postsecondary education and the performance of states and locals on the 4th core indicator, the Secretary should appoint members to the panel with expertise in national, state, and local level programming for special populations.</i></p>
<p>(2) EVALUATION AND ASSESSMENT-</p> <p>(A) IN GENERAL- From amounts made available under subsection (e), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.</p> <p>(B) CONTENTS- The assessment required under subparagraph (A) shall include descriptions and evaluations of--</p> <p>(iii) academic and career and technical education achievement and employment outcomes of career and technical education, including analyses of--</p>	<p><i>The addition of language in Perkins IV supports a stronger assessment of the performance of special population students and the impact of the core indicators of performance on CTE in the NAVE. As the workplan is developed for the NAVE, the Secretary should ensure that adequate studies are conducted to evaluate the impact of CTE on special population students, including the identification of best practices and outstanding local programs.</i></p> <p><i>The NAVE interim report is due to Congress on January 1, 2010, and the final report is due July 1, 2011.</i></p>

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<p>(II) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations (including those in which mathematics and science skills are critical), or for participation in postsecondary education;</p> <p>(v) the participation of students in career and technical education programs;</p> <p>(vii) the effect of State and local adjusted levels of performance and State and local levels of performance on the delivery of career and technical education services, including the percentage of career and technical education and tech prep students meeting the adjusted levels of performance described in section 113.</p> <p>(C) REPORTS-</p> <p>(i) IN GENERAL- The Secretary shall submit to the relevant committees of Congress--</p> <p>(I) an interim report regarding the assessment on or before January 1, 2010; and</p> <p>(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the interim report, on or before July 1, 2011.</p> <p>(ii) PROHIBITION- Notwithstanding any other provision of law, the reports required by this subsection shall not be subject to any review outside the Department of Education before their transmittal to the relevant committees of Congress and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (1) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.</p>	
<p>(3) COLLECTION OF STATE INFORMATION AND REPORT-</p> <p>(A) IN GENERAL- The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113(b).</p> <p>(B) REPORT- The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the relevant committees in Congress.</p>	<p><i>This is the same as in Perkins III. This language supports the Secretary developing a national report to Congress on the performance of states in accordance with Sec. 113(c).</i></p>
<p>(4) RESEARCH-</p> <p>(A) IN GENERAL- From amounts made available under subsection (e), the Secretary, after consulting with the States, shall award a grant, contract, or cooperative agreement, on a competitive basis, to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center--</p> <p>(i) to carry out scientifically based research and evaluation for the purpose of developing, improving, and identifying the most successful methods for addressing the education, employment, and training needs of participants, including special populations, in career and technical education programs, including research and evaluation in such activities as--</p> <p>(I) the integration of--</p> <p>(aa) career and technical instruction; and</p> <p>(bb) academic, secondary and postsecondary instruction;</p> <p>(III) State adjusted levels of performance and State levels of performance that serve to improve career and technical education programs and student achievement;</p> <p>(V) preparation for occupations in high skill, high wage, or high demand business and industry, including examination of—</p>	<p><i>This is similar to Perkins III and has been the section of Perkins that funds the National Research and Dissemination Center for Career and Technical Education (NRDCCTE). In Perkins III the same language regarding conducting research on student achievement on the performance measures has not resulted in any research or dissemination activities being conducted on strategies for improving the participation and completion of students pursuing nontraditional training and employment. There was no language in this section in Perkins III regarding research on special population students, and no research has been conducted. Disaggregated research data by special population status or gender has also not been unavailable.</i></p> <p><i>Due to the inclusion of stronger language supporting the research on special populations the Secretary should require the National Research and Dissemination Center for Career and Technical Education to conduct research and dissemination activities on effective strategies for improving the performance of special populations on the core indicators of performance. In addition, the Secretary should give direction to the NRDCCTE to conduct research and dissemination activities on</i></p>

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<p>(aa) collaboration between career and technical education programs and business and industry; and</p> <p>(bb) academic and technical skills required for a regional or sectoral workforce, including small business;</p> <p>(B) REPORT- The center conducting the activities described in subparagraph (A) shall annually prepare a report of the key research findings of such center and shall submit copies of the report to the Secretary, the relevant committees of Congress, the Library of Congress, and each eligible agency.</p> <p>(C) DISSEMINATION- The center shall conduct dissemination and training activities based upon the research described in subparagraph (A).</p>	<p><i>strategies for increasing the participation and completion of students in nontraditional fields.</i></p> <p><i>For more information on the NRDCCTE go to www.nccte.org.</i></p>
<p>(5) DEMONSTRATIONS AND DISSEMINATION- The Secretary is authorized to carry out demonstration career and technical education programs, to replicate model career and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing career and technical education programs assisted under this Act.</p>	<p><i>The Secretary should develop a demonstration program that identifies best practices and model programs for improving the performance of special population students and for increasing the participation and completion of students in nontraditional fields.</i></p>
SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS	
<p>(e) Expenses-</p> <p>(1) IN GENERAL- The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary career and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with--</p> <p>(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;</p>	<p><i>States should consider collaborating with tribally controlled postsecondary institutions to provide technical assistance in the provision of effective programs and services for special population students.</i></p>
SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION	
<p>(c) State Level Activities- In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State--</p> <p>(1) to provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;</p> <p>(2) to make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;</p> <p>(3) to provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;</p> <p>(4) to assist appropriate State entities in tailoring career related educational resources and training</p>	<p><i>Perkins IV strengthens the language in Sec. 118 on career guidance and counseling programs and services for students pursuing nontraditional careers. Language emphasizing high skill, high wage, and high demand occupations is also included here. It is recommended that special population and nontraditional (equity) specialists work closely with career development specialists to utilize funds available under this section to develop appropriate career guidance materials that can be used by LEAs to recruit students into nontraditional CTE programs. For a list of state career development specialists see www.acrnetwork.org. Career development materials appropriate for each of the special population groups should also be developed and made available to LEAs through the services funded under this section. Career development professionals and equity specialists should work together to develop comprehensive professional development for local career guidance counselors to assist them in providing non-biased career guidance services and develop effective programs for special populations and increase the participation of underrepresented gender</i></p>

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<p>for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;</p> <p>(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;</p> <p>(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and</p> <p>(7) to provide readily available occupational information such as--</p> <p>(A) information relative to employment sectors;</p> <p>(B) information on occupation supply and demand; and</p> <p>(C) other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant.</p>	<p><i>students in nontraditional CTE programs. More information on Sec. 118 activities may be found at www.acrnetwork.org/network.htm. Information on occupational supply and demand may be found at www.occsupplydemand.org.</i></p>
SEC. 121. STATE ADMINISTRATION.	
<p>(a) Eligible Agency Responsibilities- The responsibilities of an eligible agency under this title shall include--</p> <p>(1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for non-traditional fields;</p>	<p><i>This is the same as Perkins III. The inclusion of the preparation for nontraditional fields here supports states to:</i></p> <ul style="list-style-type: none"> • <i>use state administration funds to support the state equity coordinator(s)</i> • <i>involve the equity coordinator(s) in the development of the state plan</i> • <i>identify an equity coordinator(s) to implement the special population and 4th core indicator activities in the state plan</i> • <i>conduct an evaluation of the programs, services, and activities being implemented at the state and local level to increase the participation of students in nontraditional fields.</i>
SEC. 122. STATE PLAN	
<p>(a) State Plan-</p> <p>(1) IN GENERAL- Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 6-year period, together with such annual revisions as the eligible agency determines to be necessary, except that, during the period described in section 4, each eligible agency may submit a transition plan that shall fulfill the eligible agency's obligation to submit a State plan under this section for the first fiscal year following the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2006.</p> <p>(2) REVISIONS- Each eligible agency--</p> <p>(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and</p> <p>(B) shall, after the second year of the 6-year period, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.</p> <p>(3) HEARING PROCESS- The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an</p>	<p><i>States have the option to submit a transition plan for the first fiscal year or submit their six-year plan immediately. After the second year of submission of the plan the state must conduct a review of activities and submit any necessary revisions. The state must conduct public hearings before developing the state plan. A summary of the recommendations made regarding the plan and the state's response to those recommendations must be included in the plan. Groups and individuals representing special populations should be included in the public hearing process. The state plan must be developed in consultation with representatives of special populations. Some states have formed special population advisory committees for this purpose and to give guidance to the state when reviewing its state plan and implementing Perkins activities. For information on the California Joint Special Populations Advisory Committee, a secondary and postsecondary partnership, go to www.casp.cc. Additional emphasis on high skill, high wage, or high demand occupations and nontraditional fields, have been added to the state plan</i></p>

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<p>opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.</p> <p>(b) Plan Development-</p> <p>(1) IN GENERAL- The eligible agency shall--</p> <p>(A) develop the State plan in consultation with--</p> <ul style="list-style-type: none"> (i) academic and career and technical education teachers, faculty, and administrators; (ii) career guidance and academic counselors; (iii) eligible recipients; (iv) charter school authorizers and organizers consistent with State law; (v) parents and students; (vi) institutions of higher education; (vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable); (viii) entities participating in activities described in section 111 of Public Law 105-220; (ix) interested community members (including parent and community organizations); (x) representatives of special populations; (xi) representatives of business and industry (including representatives of small business); and (xii) representatives of labor organizations in the State; and <p>(B) consult the Governor of the State with respect to such development.</p> <p>(2) ACTIVITIES AND PROCEDURES- The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.</p> <p>(c) Plan Contents- The State plan shall include information that--</p> <p>(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of--</p> <ul style="list-style-type: none"> (G) how programs at the secondary level will prepare career and technical education students, including special populations, to graduate from secondary school with a diploma; (H) how such programs will prepare career and technical education students, including special populations, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities; (I) how funds will be used to improve or develop new career and technical education courses-- <ul style="list-style-type: none"> (iii) that lead to employment in high skill, high wage, or high demand occupations; <p>(2) describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that--</p> <ul style="list-style-type: none"> (E) provides the knowledge and skills needed to work with and improve instruction for special populations; (F) assists in accessing and utilizing data, including data provided under section 118, student achievement data, and data from assessments; and 	<p><i>section as well as additional references to special populations. For more information on high skill, high wage, high demand, see Other Issues at the end of this table.</i></p> <p><i>The plan must describe detailed and specific activities that states will implement to fulfill the content item listed on the left. Included in this analysis are any state plan content items that mention:</i></p> <ul style="list-style-type: none"> • <i>Special populations</i> • <i>High skill, high wage or high demand</i> • <i>Nontraditional fields</i> • <i>State adjusted levels of performance or Sec. 113</i> • <i>Sec. 118 – career guidance and counseling</i> • <i>Students in alternative education programs</i> • <i>Technical assistance</i> • <i>State correctional institutions</i> • <i>School dropouts</i> <p><i>In one way or the other all of the above groups/populations/sections are part of the equity provisions in Perkins IV.</i></p> <p><i>The state plan should include more than just assurances for non-discrimination and access for special populations. Significant activities should be included such as:</i></p> <ul style="list-style-type: none"> • <i>Ongoing technical assistance with LEAs, especially those not meeting their negotiated performance measures</i> <ul style="list-style-type: none"> ○ <i>Identification of a State Equity Coordinator</i> ○ <i>Funding of regional technical assistance centers focused on special populations issues</i> • <i>Ongoing professional development with LEAs on such topics as:</i> <ul style="list-style-type: none"> ○ <i>Using data for effective program planning</i> ○ <i>Strategies for increasing the participation and completion of students in nontraditional CTE programs</i> ○ <i>Programs for increasing the performance of special population students</i> ○ <i>Career guidance and counseling strategies for special population students in CTE</i> ○ <i>Effective instruction methods to ensure a positive classroom climate for special population students</i> ○ <i>Diversity and cultural competence</i>

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<p>(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations--</p> <p>(A) will be provided with equal access to activities assisted under this Act;</p> <p>(B) will not be discriminated against on the basis of their status as members of the special populations; and</p> <p>(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;</p> <p>(10) describes--</p> <p>(A) the eligible agency's efforts to ensure that eligible recipients are given the opportunity to provide input in determining the State adjusted levels of performance described in section 113; and</p> <p>(B) how the eligible agency, in consultation with eligible recipients, will develop a process for the negotiation of local adjusted levels of performance under section 113(b)(4) if an eligible recipient does not accept the State adjusted levels of performance under section 113(b)(3);</p> <p>(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;</p> <p>(14) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;</p> <p>(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;</p> <p>(18) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields;</p> <p>(19) describes how funds will be used to serve individuals in State correctional institutions; and</p> <p>(20) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.</p>	<ul style="list-style-type: none"> ○ Civil rights compliance ○ Sexual harassment prevention • Grants to LEAs to leverage improvement on the 4th core indicator • Identification and replication of model programs that have been successful in improving their performance on the 4th core indicator and in closing the achievement gap of special population students and all students in CTE • Improvement of statewide data collection and analysis systems that increase the validity and reliability of the data collected, including the comprehensive identification of special population students. • And lots more! <p><i>Public Law 105-220 is the Workforce Investment Act of 1998 (available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ220.105). Section 1112(b)(8) is a description of the procedures that will be taken by the state to assure coordination of and avoid duplication among postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act. Section 121(c) describes the development and contents of the memorandum of understanding to be developed between the local board and the one-stop partners.</i></p>

SEC. 123. IMPROVEMENT PLANS

<p>(a) State Program Improvement-</p> <p>(1) PLAN- If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section 113(b)(3), the eligible agency shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(c)(2)) in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.</p> <p>(2) TECHNICAL ASSISTANCE- If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.</p>	<p><i>Worst case scenario: If a state does not meet at least 90% of any one of its negotiated performance measures in the first year the state must then write an improvement plan. If in the next year (second year), a state does not show any improvement on the failing measure then the Secretary can withhold funds in the next year. If the state shows improvement but still does not meet at least 90% of the measure it must continue to operate under the improvement plan. If in the next year (third year) the state still does not meet at least 90% of the measure then the Secretary can withhold funds the following year (fourth year).</i></p> <p><i>Regardless of how this plays out, the Secretary now has clear guidance as to when to implement sanctions on states who are not meeting any one of their performance measures. This is particularly important for</i></p>
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<p>(3) SUBSEQUENT ACTION-</p> <p>(A) IN GENERAL- The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment under paragraphs (2) and (3) of section 112(a) if the eligible agency--</p> <ul style="list-style-type: none"> (i) fails to implement an improvement plan as described in paragraph (1); (ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or (iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years. <p>(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES- The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.</p> <p>(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS- The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.</p>	<p><i>states that have not had success in meeting their measures in Perkins III. States will need to take great care to analyze their Perkins III historical data to set accurate benchmarks and negotiate appropriate performance measures, especially for core indicator 4 considering the history states have had in meeting this measure. This does not suggest that states low-ball their measure as the goal of the accountability system is to show continuous improvement. It does however suggest that states take more care to look at previous performance on this measure since it is now available—unlike when Perkins III was implemented.</i></p> <p><i>States have the option of applying for a waiver for exceptional circumstances but only for a natural disaster or significant decline in financial resources.</i></p> <p><i>If a state does have funds withheld, the Secretary must use these funds to assist the state in improving performance on the failing measure.</i></p>
<p>(b) Local Program Improvement-</p> <p>(1) LOCAL EVALUATION- Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.</p> <p>(2) PLAN- If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance described in section 113(b)(4), the eligible recipient shall develop and implement a program improvement plan (with special consideration to performance gaps identified under section 113(b)(4)(C)(ii)(II)) in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.</p> <p>(3) TECHNICAL ASSISTANCE- If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.</p> <p>(4) SUBSEQUENT ACTION-</p> <p>(A) IN GENERAL- The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient--</p> <ul style="list-style-type: none"> (i) fails to implement an improvement plan as described in paragraph (2); (ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or 	<p><i>The local program improvement process between the state and LEA mirrors the program improvement process between the Secretary and the state.</i></p> <p><i>Worst case scenario: If a LEA does not meet at least 90% of any one of its negotiated performance measures in the first year the LEA must then write an improvement plan. If in the next year (second year), an LEA does not show any improvement on the failing measure then the state can withhold funds in the next year. If the LEA shows improvement but still does not meet at least 90% of the measure they must continue to operate under the improvement plan. If in the next year (third year), the LEA still does not meet at least 90% of the measure then the State can withhold funds the following year (fourth year).</i></p> <p><i>Regardless of how this plays out, the states now have clear guidance as to when to implement sanctions on LEAs who are not meeting any one of their performance measures. This is particularly important to a LEA that has not had success in meeting its state's negotiated performance measures in Perkins IV and has agreed to accept the state's negotiated performance measure as its own performance measure (an option in Sec.113(b)(4)(A)(i)). A LEA that elects to negotiate with the state to reach agreement on its own negotiated performance measure will need to take great care to analyze its Perkins III historical data to set accurate benchmarks and negotiate appropriate performance measures. It will be very important that states provide historical performance data to LEAs to assist them in identifying accurate baselines and setting</i></p>

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<p>(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.</p> <p>(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES- In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions--</p> <p>(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or</p> <p>(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.</p> <p>(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS- The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this Act.</p>	<p><i>appropriate performance measures in the negotiation process.</i></p> <p><i>A LEA has the option of applying for a waiver for exceptional circumstances but only for a natural disaster, significant decline in financial resources, or if its CTE program is particularly small, which creates volatility in performance data.</i></p> <p><i>If a LEA does have funds withheld, the state must use these funds to provide CTE programs through alternative arrangements to students served by the LEA.</i></p>
SEC. 124. STATE LEADERSHIP ACTIVITIES.	
<p>(b) Required Uses of Funds- The State leadership activities described in subsection (a) shall include--</p> <p>(1) an assessment of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;</p> <p>(2) developing, improving, or expanding the use of technology in career and technical education that may include--</p> <p>(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into technology fields, including non-traditional fields; or</p> <p>(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;</p> <p>(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and--</p> <p>(A) provide in-service and preservice training in career and technical education programs--</p> <p>(ii) on effective teaching skills based on research that includes promising practices;</p> <p>(iii) on effective practices to improve parental and community involvement; and</p> <p>(iv) on effective use of scientifically based research and data to improve instruction;</p> <p>(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;</p> <p>(C) will help teachers and personnel to improve student achievement in order to meet the State adjusted levels of performance established under section 113;</p> <p>(5) providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations;</p> <p>(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, intermediaries, parents, and local partnerships, to enable students to achieve State</p>	<p><i>The list of required uses of funds listed on the left are all those that relate to special populations; nontraditional fields; high skill, high wage, high demand occupations; improving performance on the state-adjusted levels of performance; professional development; and technical assistance. The significant number of times that special populations and nontraditional fields are identified on the required uses of state leadership funds is an indication of the states' role in providing leadership in this area. States must make significant investment in technical assistance, professional development, and funding of programs and services to improve the access and success of special population students in CTE. This includes working with business and industry, parents, and administrators, counselors, teachers, staff, and students at the secondary and postsecondary level. This investment must be above and beyond the nontraditional setaside identified in Sec.112(a)(2)(B). States are encouraged to spend the maximum (\$150,000) for services that prepare individuals for nontraditional fields and to be creative about leveraging the use of these funds with each LEA's basic state grant. Considering the breadth of the required use of state leadership funds focused on special populations, states should use funds beyond the setaside to assist LEAs in implementing performance gap closing strategies for special population students. These might include:</i></p> <ul style="list-style-type: none"> <i>• Professional development on how to implement research-based best practices with proven results for increasing the performance of special population students</i> <i>• Accessibility and adaptation strategies for the full participation of students with disabilities in CTE</i> <i>• Model programs for increasing the participation of single parents and displaced homemakers in CTE</i> <i>• Facilitating the collaboration of local welfare agencies and</i>

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<p>academic standards, and career and technical skills, or complete career and technical programs of study, as described in section 122(c)(1)(A);</p> <p>(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities;</p> <p>(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and</p> <p>(9) technical assistance for eligible recipients.</p>	<p><i>local One-Stops to increase the availability of supportive services for CTE students participating in WIA programs or receiving public assistance</i></p> <ul style="list-style-type: none"> • <i>Identification of community-based organizations throughout the state that are providing services to limited English proficient students and making the connection to CTE programs</i> • <i>Building statewide coalitions with business and industry in nontraditional fields to increase outreach, mentoring, and internship opportunities for nontraditional students</i> • <i>And much more</i> <p><i>States' professional development programs can no longer be one-day or short-term workshops or conferences and must be part of a comprehensive long-term professional development effort. The New Look, a project of the Illinois Center for Specialized Professional Support, is an example of a model program that accomplishes this and improved Illinois' performance on the 4th core indicator. For information go to www.icsps.ilstu.edu.</i></p>
<p>(c) Permissible Uses of Funds- The leadership activities described in subsection (a) may include--</p> <p>(1) improvement of career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including--</p> <p style="padding-left: 20px;">(B) exposing students to high skill, high wage occupations and non-traditional fields;</p> <p>(3) support for initiatives to facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including--</p> <p style="padding-left: 20px;">(D) other initiatives--</p> <p style="padding-left: 40px;">(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;</p> <p>(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;</p> <p>(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance education, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;</p> <p>(10) awarding incentive grants to eligible recipients--</p> <p style="padding-left: 20px;">(A) for exemplary performance in carrying out programs under this Act, which awards shall be based on--</p> <p style="padding-left: 40px;">(i) eligible recipients exceeding the local adjusted levels of performance established under section 113(b) in a manner that reflects sustained or significant improvement;</p> <p style="padding-left: 40px;">(iv) eligible recipients' progress in having special populations who participate in career and technical education programs meet local adjusted levels of performance; or</p> <p>(12) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under the Adult Education and Family Literacy Act;</p>	

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<p>(13) providing assistance to individuals, who have participated in services and activities under this title, in continuing the individuals' education or training or finding appropriate jobs, such as through referral to the system established under section 121 of Public Law 105-220;</p>	<p><i>Public Law 105-220 is the Workforce Investment Act (available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=105_cong_public_laws&docid=f:publ220.105). Sec. 121 describes the One Stop Delivery System.</i></p>
SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS	
<p>(b) Contents- The eligible agency shall determine the requirements for local plans, except that each local plan shall--</p> <p>(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;</p> <p>(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;</p> <p>(5) describe how parents, students, academic and career and technical education teachers, faculty, administrators, career guidance and academic counselors, representatives of tech prep consortia (if applicable), representatives of the entities participating in activities described in section 117 of Public Law 105-220 (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study;</p> <p>(8) describe how the eligible recipient will--</p> <p>(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;</p> <p>(B) provide programs that are designed to enable the special populations to meet the local adjusted levels of performance; and</p> <p>(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;</p> <p>(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;</p> <p>(10) describe how funds will be used to promote preparation for non-traditional fields;</p>	<p><i>When developing its local plan, a LEA should include representatives of each of the special population groups on its local advisory committee. This group should be involved in the development of the plan to ensure that comprehensive services are available to meet the needs of these students. In addition, these representatives may bring to the table valuable community resources and connections that can help the LEA develop effective community partnerships to increase the availability and coordination of services for special population students.</i></p> <p><i>Each LEA should conduct a thorough review of its Perkins III performance data disaggregated by program and by special populations group to identify gaps in performance and where particular problems exist. This will help inform the development of a local plan that will have the potential to increase the LEA's success on meeting its negotiated performance measure and close the performance gaps of special population students as compared to all CTE students.</i></p> <p><i>With the enactment of Perkins I V, local plans must include a description of how the LEA will provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency. This new local plan content item is consistent with language found in Sec. 135(b)(9)—“Required use of local funds.” Each LEA must describe in its local plan how it will provide activities for special populations, including single parents and displaced homemakers.</i></p> <p><i>For further discussion of self-sufficiency and high skill, high wage, high demand occupations see the Other Issues section at the end of this table.</i></p>
SEC. 135. LOCAL USES OF FUNDS	
<p>(b) Requirements for Uses of Funds- Funds made available to eligible recipients under this part shall be used to support career and technical education programs that--</p> <p>(4) develop, improve, or expand the use of technology in career and technical education, which may include--</p> <p>(B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or</p> <p>(C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;</p>	<p><i>LEAs are required to use local funds for the items listed on the left that relate to special population students. Technology program requirements are included due to the nontraditional nature of this career field. LEAs must use local funds to support the participation of teachers, administrators, and counselors in national- or state-sponsored professional development or provide it at the local level. All school staff should receive professional development that is focused on increasing the access and performance of special population students in CTE. Extensive evaluation of CTE programs and how the needs of special populations are being or not being met should be done to inform the</i></p>

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<p>(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including--</p> <p>(A) in-service and preservice training on--</p> <p style="padding-left: 40px;">(ii) effective teaching skills based on research that includes promising practices;</p> <p style="padding-left: 40px;">(iii) effective practices to improve parental and community involvement; and</p> <p style="padding-left: 40px;">(iv) effective use of scientifically based research and data to improve instruction;</p> <p>(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;</p> <p>(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;</p> <p>(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and</p> <p>(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.</p>	<p><i>local planning process. This evaluation should be reviewed every year as part of the local plan updating process.</i></p> <p><i>Sec. 135(b)(9) is new to Perkins IV. Every LEA must provide activities to prepare special populations, including single parents and displaced homemakers enrolled in CTE for high skill, high wage, or high demand occupations that will lead to self-sufficiency. This provision is a result of the precipitous decline in programs for single parents and displaced homemakers after the reauthorization of Perkins III in 1998. Additionally, states and LEAs have reported extremely low, in some cases no, participation of single parents and displaced homemakers in CTE. For assistance in identifying possible program activities, please visit the NAPE website at www.napequity.org and the Women Work! website at www.womenwork.org.</i></p> <p><i>For further discussion of self-sufficiency and high skill, high wage, high demand occupations, see the Other Issues section at the end of this table.</i></p>
<p>(c) Permissive- Funds made available to an eligible recipient under this title may be used--</p> <p>(4) to provide programs for special populations;</p> <p>(6) for mentoring and support services;</p> <p>(10) to develop initiatives that facilitate the transition of subbaccalaureate career and technical education students into baccalaureate degree programs, including--</p> <p>(D) other initiatives--</p> <p style="padding-left: 40px;">(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;</p> <p>(12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;</p> <p>(15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;</p> <p>(16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105-220 (29 U.S.C. 2801 et seq.);</p> <p>(17) to support training and activities (such as mentoring and outreach) in non-traditional fields;</p> <p>(18) to provide support for training programs in automotive technologies;</p> <p>(20) to support other career and technical education activities that are consistent with the purpose of this Act.</p>	<p><i>The permissive use of funds list in Perkins IV contains the addition of new language related to:</i></p> <ul style="list-style-type: none"> • <i>Overcoming barriers for special population students to transition to sub-baccalaureate and baccalaureate degree programs</i> • <i>Development of new CTE programs in high skill, high wage, high demand occupations</i> • <i>Development of new tech prep (dual credit) programs</i> • <i>Referral to WIA programs or One-Stops for additional education, job training, or job placement</i> • <i>Support for automotive CTE programs (nontraditional for women)</i>

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TITLE II--TECH PREP EDUCATION	
SEC. 203. TECH PREP PROGRAM	
(c) Contents of Tech Prep Program	
<p>Each tech prep program shall--</p> <p>(2) consist of a program of study that--</p> <p style="padding-left: 20px;">(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;</p> <p style="padding-left: 20px;">(F) leads to placement in high skill or high wage employment, or to further education; and</p> <p>(5) include professional development programs for counselors designed to enable counselors to more effectively--</p> <p style="padding-left: 20px;">(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;</p> <p>(6) provide equal access, to the full range of technical preparation programs (including preapprenticeship programs), to individuals who are members of special populations, including the development of tech prep program services appropriate to the needs of special populations;</p>	<p><i>Perkins IV contains significantly strengthened language supporting the participation of special population students in tech prep programs. During the reauthorization process, tech prep was highly criticized for its inability to identify tech prep students as well as the lack of participation of special population students, particularly nontraditional students, in tech prep programs. The inclusion of a focus on high skill, high wage, high demand occupations and comprehensive guidance and counseling for special population students was purposefully placed here in an effort to change this criticism.</i></p>
(e) Indicators of Performance and Accountability	
<p>(1) IN GENERAL- Each consortium shall establish and report to the eligible agency indicators of performance for each tech prep program for which the consortium receives a grant under this title. The indicators of performance shall include the following:</p> <p>(A) The number of secondary education tech prep students and postsecondary education tech prep students served.</p> <p>(B) The number and percent of secondary education tech prep students enrolled in the tech prep program who--</p> <p style="padding-left: 20px;">(i) enroll in postsecondary education;</p> <p style="padding-left: 20px;">(ii) enroll in postsecondary education in the same field or major as the secondary education tech prep students were enrolled at the secondary level;</p> <p style="padding-left: 20px;">(iii) complete a State or industry-recognized certification or licensure;</p> <p style="padding-left: 20px;">(iv) successfully complete, as a secondary school student, courses that award postsecondary credit at the secondary level; and</p> <p style="padding-left: 20px;">(v) enroll in remedial mathematics, writing, or reading courses upon entering postsecondary education.</p> <p>(C) The number and percent of postsecondary education tech prep students who--</p> <p style="padding-left: 20px;">(i) are placed in a related field of employment not later than 12 months after graduation from the tech prep program;</p> <p style="padding-left: 20px;">(ii) complete a State or industry-recognized certification or licensure;</p> <p style="padding-left: 20px;">(iii) complete a 2-year degree or certificate program within the normal time for completion of such program; and</p> <p style="padding-left: 20px;">(iv) complete a baccalaureate degree program within the normal time for completion of such program.</p>	<p><i>This is new in Perkins IV. Tech prep programs will also be responsible for reporting, in addition to the core indicators of performance in Sec. 113(b), on their own indicators of performance as identified at the left. States will be required to report this data following the same disaggregation rules found in Sec. 113(c)(2). All data reported by the state must be disaggregated by the following populations:</i></p> <ul style="list-style-type: none"> • <i>Race/ethnicity</i> • <i>Gender</i> • <i>Individuals with disabilities</i> • <i>Migrants</i> • <i>Individuals with limited English proficiency</i> • <i>Individuals from economically disadvantaged families, including foster children</i> • <i>Single parents, including single pregnant women</i> • <i>Displaced homemakers</i> • <i>Individuals preparing for nontraditional fields</i> • <p><i>The disaggregation of data will not be required for any population that is not sufficient in size to yield reliably significant information or if the data could reveal the identity of an individual student. This report must also indicate any disparities or gaps in performance between any of the groups named above and the performance of all students in CTE in the state. In addition the state must report the quantifiable progress of each of the categories of students listed above on each of the indicators of performance. It is recommended that states explain these gaps and include strategies for closing these gaps in their state plans or improvement plans if necessary.</i></p>

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SEC. 204. CONSORTIUM APPLICATIONS	
<p>(d) Special Consideration- The eligible agency, as appropriate, shall give special consideration to applications that--</p> <p>(3) address effectively the issues of school dropout prevention and reentry, and the needs of special populations;</p> <p>(e) Performance Levels-</p> <p>(1) IN GENERAL- Each consortium receiving a grant under this title shall enter into an agreement with the eligible agency to meet a minimum level of performance for each of the performance indicators described in sections 113(b) and 203(e).</p> <p>(2) RESUBMISSION OF APPLICATION; TERMINATION OF FUNDS- An eligible agency--</p> <p>(A) shall require consortia that do not meet the performance levels described in paragraph (1) for 3 consecutive years to resubmit an application to the eligible agency for a tech prep program grant; and</p> <p>(B) may choose to terminate the funding for the tech prep program for a consortium that does not meet the performance levels described in paragraph (1) for 3 consecutive years, including when the grants are made on the basis of a formula determined by the eligible agency.</p>	<p><i>There has been no change in the special consideration language for consortium applications; however, states need to be sure to include this as a review criteria when evaluating tech prep grant applications.</i></p> <p><i>Consortiums receiving grants under Title II – Tech Prep are required to meet a minimum level of performance for each of the core indicators of performance in Sec. 113(b) as well as the specific tech prep indicators in Sec. 203(e). If a consortia does not meet its performance measures for three years in a row it must resubmit an application for funding or the state can terminate funding for the program. It is unclear if this means ALL measures or ANY measure, and we expect the Secretary to provide guidance on this issue.</i></p>
SEC. 205. REPORT.	
<p>Each eligible agency that receives an allotment under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech prep programs assisted under this title, including a description of how grants were awarded within the State.</p>	<p><i>The state is required to submit a report to the Secretary that will include the disaggregated tech prep performance data.</i></p>
TITLE III--GENERAL PROVISIONS	
SEC. 315. LIMITATION FOR CERTAIN STUDENTS.	
<p>No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.</p>	<p><i>Perkins funds cannot be spent on students prior to the seventh grade. Although we know that students' career stereotyping starts prior to the seventh grade, LEAs should include career development activities for earlier grade students using other available funds and programs supported by community-based organizations such as AAUW, Girls Inc., Girl Scouts, etc. See www.napequity.org for organizational resources.</i></p>
SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS	
<p>Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.</p>	<p><i>This is included to ensure consistency with other federal civil rights laws. States should use the resources available through the Office for Civil Rights (http://www.ed.gov/about/offices/list/ocr/index.html) and the Equity Assistance Centers (http://www.edgateway.net/pub/docs/262)</i></p>
SEC. 317. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL AND CHILDREN	
<p>(a) Personnel- An eligible agency or eligible recipient that uses funds under this Act for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel shall, to the extent practicable, upon written request, permit the participation in such programs of career and technical education secondary school teachers, administrators, and other personnel in nonprofit private schools offering career and technical secondary education programs located in the geographical area served by such eligible agency or eligible recipient.</p> <p>(b) Student Participation-</p> <p>(1) STUDENT PARTICIPATION- Except as prohibited by State or local law, an eligible recipient may, upon written request, use funds made available under this Act to provide for the meaningful</p>	<p><i>States and LEAs must invite and involve private school personnel in all preservice and inservice activities funded under this Act. States and LEAs must invite and involve private school students in all CTE activities funded with Perkins Act. Meaningful participation of personnel and students in these activities shall be determined by the LEA in consultation with representatives of local nonprofit private schools.</i></p>

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<p>participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools who reside in the geographical area served by the eligible recipient.</p> <p>(2) CONSULTATION- An eligible recipient shall consult, upon written request, in a timely and meaningful manner with representatives of nonprofit private schools in the geographical area served by the eligible recipient described in paragraph (1) regarding the meaningful participation, in career and technical education programs and activities receiving funding under this Act, of secondary school students attending nonprofit private schools.</p>	
SEC. 324. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.	
<p>(a) Attendance Costs Not Treated as Income or Resources- The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.</p> <p>(b) Attendance Costs- The attendance costs described in this subsection are--</p> <p>(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and</p> <p>(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.</p> <p>(c) Costs of Career and Technical Education Services- Funds made available under this Act may be used to pay for the costs of career and technical education services required in an individualized education program developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to career and technical education.'</p>	<p><i>This section supports the use of Perkins funds for supportive services and payments for attendance costs such as:</i></p> <ul style="list-style-type: none"> • <i>Tuition and fees</i> • <i>Rental or purchase of equipment necessary for the student to participate in CTE</i> • <i>Materials, supplies, and books</i> • <i>Transportation</i> • <i>Dependent care</i> <p><i>This section also supports the use of Perkins funds for services identified in the IEP of a student with a disability. Sec. 614(d) of IDEA (available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ446.108) describes the process for developing an IEP. Sec. 504 of the Rehabilitation Act of 1973 (available at http://www.ed.gov/policy/speced/leg/rehabact.doc) does not allow an individual with a disability to be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.</i></p>

*Equity Coordinator- This term is used to identify state staff who are responsible for the implementation of the special populations and nontraditional provisions in Perkins.

OTHER ISSUES

Supportive Services

Although supportive services were not defined or mentioned in Perkins III and are again not defined or mentioned in Perkins IV, current practice under Perkins III as supported by U.S. Dept. of Education, Office of Vocational and Adult Education Program Memorandum 99-13 (available at <http://www.ed.gov/about/offices/list/ovae/pi/cte/vocnontrad13.html>) is to allow states and locals to determine if Perkins funds are to be spent on supportive services. Many local programs rely on Perkins funds to provide these supportive services to those special population students who are not eligible or able to receive these services through other programs to ensure their full participation in career and technical education. Additional supporting statements to continue this practice can also be found in the conference report available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2006_record&docid=cr25jy06-138.pdf.

“The Conferees recognize that special populations, including single parents and displaced homemakers, may need direct assistance to be able to participate successfully in career and technical education. These supportive services include such services as transportation, child care, dependent care, tuition, books, and supplies and other services necessary to enable an individual to participate in career and technical education activities. Consistent with administrative guidance and prior interpretations of the Perkins Act, the Conferees believe that eligible agencies and eligible recipients should retain the flexibility to provide direct assistance to special populations under certain, limited conditions. In providing direct assistance, recipients of the assistance must be individuals who are members of special populations who are participating in career and technical education activities that are consistent with the goals and purposes of the Perkins Act. Funds must be used to supplement, not supplant, assistance that is otherwise available from non-Federal sources, and assistance may only be provided to an individual to the extent that it is needed to address barriers to the individual’s successful participation in career and technical education.”

Self-Sufficiency

Perkins IV reflects an emphasis on preparing students for careers that provide self-sufficient wages. Language on high skill, high wage, and high demand and specific mention of self-sufficiency can be found in three places in the final bill:

- Additional indicators of performance—Sec. 113(b)(2)(C)
- Local plan—Sec. 134(b)(8)(C)
- Local required uses of funds—Sec. 135(b)(9)
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The concept and terminology of self-sufficiency in the Perkins reauthorization and other federal legislation advancing career and technical education has been in the policy debate for many years. The Perkins IV conference report (available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2006_record&docid=cr25jy06-138.pdf) states: “The Conferees intend that the term self-sufficiency means a standard of economic independence that considers a variety of demographic and geographic factors, as adopted, calculated, or commissioned by a local area or State.”

The Family Economic Self-Sufficiency (FESS) project, developed by Wider Opportunities for Women, has worked with state partners in 36 states to develop self-sufficiency standards for those states. For more information on the FESS project go to <http://www.sixstrategies.org/about/about.cfm>. The Self-Sufficiency Standard calculates how much money working adults need to meet their basic needs without subsidies of any kind. Unlike the federal poverty standard, the Self-Sufficiency Standard accounts for the costs of living and working as they vary by family size and composition and by geographic location. The Standard defines the amount of income necessary to meet basic needs (including paying taxes) in the regular “marketplace” without public subsidies—such as public housing, food stamps, Medicaid or child care—or private/informal subsidies—such as free babysitting by a relative or friend, food provided by churches or local food banks, or shared housing. The Standard, therefore, estimates the level of income necessary for a given family type—whether working now or making the transition to work—to be independent of welfare and/or other public and private subsidies. The Standard provides important guidance for policymakers and program providers regarding how to target their education, job training, workforce development, and welfare-to-work resources. It helps individuals choose among occupations for work experience and educational training. It also shows policymakers how subsidizing child care, transportation or health care impacts the wages necessary for working families to make ends meet.

- The Standard assumes that all adults (whether married or single) work full-time and includes the costs associated with employment—specifically, transportation and taxes, and for families with young children, child care.
- The Standard takes into account that many costs differ not only by family size and composition (as does the official poverty measure), but also by the age of children. While food and health care costs are slightly lower for younger children, child care costs are much higher—particularly for children not yet in school—and are a substantial budget item not included in the official poverty measure.
- The Standard accounts for regional variations in cost. This feature is particularly important for housing. Housing in the most expensive areas of the country costs four times as much as in the least expensive areas for equivalent size units.
- The Standard includes the net effect of taxes and tax credits. It provides for state sales taxes, as well as payroll (Social Security) taxes, and federal and state income taxes. Two credits available to working adults, the Child Care Tax Credit (CCTC) and the Earned Income Tax Credit (EITC) are "credited" against the income needed to meet basic needs—thus reducing the income needed to become economically self-sufficient.
- The Standard accounts for the fact that, over time, various costs increase at different rates. For example, food costs, on which the official poverty thresholds are based, have not increased as fast as housing costs. This failure to account for differential inflation rates among other non-food basic needs is one reason that the official poverty thresholds are no longer an adequate measure of the money required to meet real needs.

High Skill, High Wage, High Demand Occupations

Perkins IV does not define high skill, high wage, high demand occupations, but the terms are used freely throughout the Act. States and policy experts will need to work together with the Secretary to bring clarity to the terms and define them as is necessary for the provisions in Perkins where it is used. Below is a list of recommended reading and initial considerations:

High Skill:

- Occupations requiring advanced education. The Great North Alliance (www.thegreatnorth.com)
- Occupations requiring a 2-year or 4-year advanced degree, such as: executive, administrative and managerial; professional specialty; technicians and related support, U.S. Department of Agriculture (<http://www.ers.usda.gov/publications/rcat/rcat93/rcat93d.pdf>)
- High skill occupations refer to International Standard Classification of Occupations (ISCO-88 <http://www.ilo.org/public/english/bureau/stat/isco/isco88/index.htm>) classes 1,2 and 3. Organisation for Economic Co-operation and Development (<http://www1.oecd.org/publications/e-book/92-2003-04-1-7294/PDF%5CB2.pdf#search=%22%22High%20Skill%20Occupations%22%22>)

High Wage:

- Some percentage of the Family Economic Self-Sufficiency standard for that LEA. Wider Opportunities for Women (<http://www.sixstrategies.org/about/about.cfm>).
- Occupational Outlook Quarterly article on high wage careers not requiring a bachelors degree. (<http://www.bls.gov/opub/ooq/1999/Fall/art02.pdf#search=%22%22High%20Wage%20Occupations%22%22>)
- Americas Career Info Net allows you to select high wage occupations and ranks occupations by their wages (<http://www.acinet.org/acinet/>)

High Demand

- The National Occupational Supply Demand Consortium develops and evaluates methodologies for supply/demand analysis of occupations to assist with training and education program planning (www.occsupplydemand.org)
- The President's High Growth Job Training Initiative (<http://www.doleta.gov/BRG/JobTrainInitiative/#TargetedIndustries>)