



# Carl D. Perkins Career and Technical Education Act of 2006: Background and Performance

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## Summary

The Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins IV; P.L. 109-270) supports the development of academic and career and technical skills among secondary education students and postsecondary education students who elect to enroll in career and technical education (CTE) programs, sometimes referred to as vocational education programs. Perkins IV was authorized through FY2012, which ended on September 30, 2012. The authorization is extended through FY2013 under the General Education Provisions Act. The U.S. Department of Education issued its blueprint for reauthorization in April 2012. This report provides a summary of Perkins IV.

The largest program authorized under Perkins IV is the Basic State Grants program. This program provides formula grants to states to develop, implement, and improve CTE programs, services, and activities. The formula awards proportionally larger grants to states with larger populations that are in the age range traditionally enrolled in high school or within two years of high school graduation and to states with a lower than average per capita income. Incorporated in the formula are certain features that guarantee minimum funding levels. These features are a FY1998 hold harmless and a minimum equal to 0.5% of the total amount available for state grants. Each state is able to decide how much of its federal funds will be dedicated to secondary education and how much to postsecondary education. Once this decision is made, funds must generally be distributed to the local secondary and postsecondary education providers through formulas defined by Perkins IV or the state. Over 12.4 million students enrolled in CTE courses during the 2008-2009 academic year (most recent data available). These courses may or may not be funded with Perkins IV funds.

Two key requirements for receiving funds under the Basic State Grants program are offering CTE programs of study and compliance with accountability requirements. Secondary and postsecondary education providers must adopt the appropriate elements of at least one state-approved CTE program of study. Programs of study incorporate secondary and postsecondary education elements into a coordinated, nonduplicative progression of courses leading to an industry-recognized credential, certificate, or degree. Perkins IV also requires that states and secondary and postsecondary education providers meet targets on statutorily defined performance measures or face sanctions.

Perkins IV also authorizes additional programs: Tech Prep, national programs, Tribally Controlled Postsecondary Career and Technical Institutions (TCPCTI), and Occupational and Employment Information. Of these, only national programs and TCPCTI received funding in FY2012.

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## Introduction

The Carl D. Perkins Career and Technical Education Improvement Act of 2006 (P.L. 109-270), reauthorized and revised the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III; P.L. 105-332) and renamed the act the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV). Perkins IV supports the development of academic and career and technical skills among secondary education students and postsecondary education students who elect to enroll in career and technical education (CTE) programs, sometimes referred to as vocational education programs.<sup>1</sup> Perkins IV was authorized by statute through FY2012 and was funded at \$1.1 billion in FY2012. The General Education Provisions Act (GEPA) automatically extends the authorization for one additional fiscal year to FY2013.<sup>2</sup>

CTE provides occupational and non-occupational preparation at the secondary, postsecondary, and adult education levels. Generally, CTE programs require two years or less of postsecondary education or training. As defined in a publication by the U.S. Department of Education's (ED's) National Center for Education Statistics (NCES), CTE prepares students for roles outside the paid labor market, teaches general employment skills, and teaches skills required in specific occupations or careers.<sup>3</sup> For example, CTE provides preparation in homemaking and a variety of occupations, such as nursing, business administration, culinary arts, automotive maintenance, software programming, engineering technology, and cosmetology. The definition distinguishes CTE from liberal arts: the fine arts, English, mathematics, science, foreign languages, and the humanities.<sup>4</sup>

On April 19, 2012, the Obama Administration announced its blueprint for reauthorization of Perkins IV (hereinafter referred to as the Blueprint) in an effort to create more high quality CTE programs.<sup>5</sup> The Blueprint is intended to conform to the policy goals of all high school graduates being prepared for both college and a career and the United States having the highest proportion of college graduates in the world. The proposal is expected to "usher in a new era of rigorous, relevant, and results-driven CTE shaped by four core principles:"

1. More effective alignment of CTE programs with labor market needs and high-growth industry sectors, in particular;
2. Stronger collaboration among secondary and postsecondary institutions, employers, and industry partners in an effort to improve the quality of CTE programs;

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<sup>1</sup> Career and technical education is also referred to as career education, technical and vocational education (TVET), and technical education.

<sup>2</sup> For more information on GEPA's Contingent Extension of Programs, see CRS Report R41119, *General Education Provisions Act (GEPA): Overview and Issues*, by Rebecca R. Skinner and Jody Feder, pp. 3-4.

<sup>3</sup> Levesque, K., Laird, J., Hensley, E., Choy, S.P., Cataldi, E.F., and Hudson, L. (2008). *Career and Technical Education in the United States: 1990 to 2005* (NCES 2008-035). National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education. Washington, DC, p. B-2.

<sup>4</sup> For more information on CTE, see CRS Report R42748, *Career and Technical Education (CTE): A Primer*, by Cassandra Dortch.

<sup>5</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Investing in America's Future: A Blueprint for Transforming Career and Technical Education*, Washington, D.C., 2012.

3. A meaningful accountability system based upon common definitions and clear metrics for performance; and
4. Increased innovation supported through systemic reform of state policies and practices.

This report is divided into three major sections. The first section provides a brief history of federal legislation supporting CTE and vocational education. This is followed by an examination of Perkins IV that describes the major programs and provisions. The section also provides statistics on the funding of and participation in Perkins IV programs. The last section of the report outlines several reauthorization issues that have been raised by stakeholders and evaluations.

## History of Federal Legislation

To reduce reliance on individuals trained in foreign vocational schools, improve domestic wage earning capacity, reduce unemployment, and protect national security, federal funding for vocational education was initiated with the passing of the Smith-Hughes Act in 1917.<sup>6</sup> About 30 years later, the George-Barden Act (P.L. 80-402) expanded federal support of vocational education to support vocations beyond agriculture, trade, home economics, and industrial subjects. The National Defense Education Act (P.L. 85-864), signed into law in 1958, focused on improving instruction in science, mathematics, foreign languages, and other critical areas. It also provided additional funding for vocational education to prepare individuals for technical occupations related to national defense.

In 1963, the Vocational Education Act (P.L. 88-210) was signed into law. In addition to increasing federal support for vocational education schools, the act also provided funding for vocational work-study programs and research, training, and demonstration programs related to vocational education.

Five years later, the Vocational Education Amendments of 1968 (P.L. 90-576) modified the existing vocational education programs. The amendments also established a National Advisory Council on Vocational Education and provided funding for collecting and disseminating information about programs administered by the Commissioner of Education, now the Secretary of Education (hereafter referred to as the Secretary).

In 1984, the Vocational Education Act was renamed the Carl D. Perkins Vocational Education Act (Perkins I, P.L. 98-524). While continuing federal support for vocational education, it established programs emphasizing the acquisition of job skills through both vocational and technical education. The act also sought to make vocational education programs accessible to “special populations,” including individuals with disabilities, disadvantaged individuals, single parents and homemakers, and incarcerated individuals.

The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Perkins II, P.L. 101-392) made several revisions to the 1984 act. Notably, the act created the Tech-Prep program designed to coordinate secondary and postsecondary vocational education activities into a coherent sequence of courses. The law also provided up to 25% of funds for state programs and required that at least 75% of funds be allocated to local recipients. Most set-asides

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<sup>6</sup> The Smith-Hughes Act was repealed by the Balanced Budget Act of 1997 (P.L. 105-33).

for “special populations” were removed from the legislation, but the program remained focused on providing members of special populations with access to high-quality vocational education. These populations included disadvantaged and disabled students, limited English-proficient students, and students enrolled in programs to eliminate sex bias. Programs to eliminate sex bias were designed to prepare students for nontraditional training and employment (e.g., training women to be welders or men to be nurses). The law also required states to develop and implement performance standards and measures (e.g., program completion and job placement) to assess gains in learning and program performance.

The Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 (P.L. 105-332) reauthorized and revised Perkins II and renamed the act the Carl D. Perkins Vocational and Technical Education Act of 1998 (hereafter referred to as Perkins III).<sup>7</sup> Perkins III increased the funds distributed to the local level by states from 75% to 85%, of which 8.5% could be reserved for programs in rural and other high-need areas. Perkins III also allowed states to set aside up to 1% of their total grant for programs for individuals in state institutions (such as prisons) and required that states set aside between \$60,000 and \$150,000 for services related to nontraditional programs and employment. The act strengthened accountability through the establishment of core indicators of performance with levels negotiated between each state and the Secretary (i.e., adjusted levels of performance), sanctions based on states’ failing to meet the performance levels, and incentive grants to states for exceeding performance levels established under Perkins III and under the Workforce Investment Act (WIA, P.L. 105-220).

On August 12, 2006, the Carl D. Perkins Career and Technical Education Improvement Act of 2006 was signed into law (Perkins IV; P.L. 109-270). Perkins IV renamed the act to refer to CTE rather than vocational and technical education. The act reinforced the existing accountability system by establishing separate core indicators of performance for the secondary and postsecondary levels, requiring grantees to meet at least 90% of their adjusted levels of performance on each of their core indicators of performance or be required to develop and implement an improvement plan, and limiting fiduciary sanctions. The act also explicitly linked CTE provisions with the academic standards required under the Elementary and Secondary Education Act (ESEA). Finally, the act permitted eligible agencies to consolidate their funding under the Tech-Prep program into the Basic State Grants program. Perkins IV was authorized from FY2007 through FY2012 (through FY2013 under GEPA).

## **Carl D. Perkins Career and Technical Education Improvements Act of 2006 (Perkins IV)**

Perkins IV is the main source of specific federal funding for CTE.<sup>8</sup> The most recent estimate of the total funds expended on CTE that were federal funds was published in 2004 by ED and estimated that 5% of CTE expenditures were federal funds.<sup>9</sup> The remainder is funded by state and local funds.

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<sup>7</sup> Since 1984, the federal vocational education act has been named in honor of Carl D. Perkins, a former chairman of what was then the House Education and Labor Committee.

<sup>8</sup> Considerably more federal funding is provided indirectly for postsecondary CTE through federal student loans and grants.

<sup>9</sup> U.S. Department of Education, Office of the Under Secretary, Policy and Program Studies Service, National (continued...)

The act authorizes federal funding for five main programs: (1) the Basic State Grants program (Title I), (2) Tech Prep (Title II), (3) National Programs (Section 114), (4) the Tribally Controlled Postsecondary Career and Technical Institutions program (TCPCTIP; Section 117), and (5) Occupational and Employment Information (Section 118). This section describes the major sections and provisions of Perkins IV.

The purpose of Perkins IV is to develop the academic and career and technical skills of secondary and postsecondary education students who elect to enroll in CTE programs, particularly programs that prepare students for high-skill, high-wage, or high-demand occupations in current or emerging professions. The act aims to achieve this through the following *grant* programs:

- Basic State Grants, which support the development, maintenance, and improvement of CTE at the state and local level;
- Tech Prep, which specifically supports programs that integrate secondary and postsecondary CTE; and
- Tribally Controlled Postsecondary Career and Technical Institutions (TCPCTI), which supports CTE programs at TCPCTIs.

Grant recipients are expected to develop rigorous and challenging academic and technical standards and assist students in meeting such standards.<sup>10</sup> The standards must link secondary and postsecondary education. Perkins IV is also intended to promote professional development that improves the quality of CTE teachers, faculty, administrators, and counselors, and to support partnerships among educational institutions, local workforce investment boards, and business and industry.

In addition to the grant programs, Perkins IV authorizes the conduct and dissemination of national research and information on best practices that improve CTE programs through two initiatives. National Programs support research, evaluation, and dissemination of CTE practices. Occupational and Employment Information supports the dissemination of occupational and employment information.

Perkins IV defines CTE as organized educational activities that

- offer a sequence of courses that provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provide technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and may include prerequisite courses (other than a remedial course); and
- include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and

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(...continued)

Assessment of Vocational Education: Final Report to Congress, Washington, D.C., 2004.

<sup>10</sup> The academic curriculum and standards must be aligned with the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB).

knowledge of all aspects of an industry, including entrepreneurship, of an individual.

Funds cannot be used for students prior to the 7<sup>th</sup> grade, except that equipment and facilities purchased may be used by such students.

## Title I—Basic State Grants

Over 90% of the funds appropriated under Perkins IV are used to provide Basic State Grants. These formula grants are awarded to the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area. States subsequently make grants to support CTE activities at the secondary and postsecondary levels primarily in local educational agencies (LEAs), area CTE schools, and community colleges. Uses of funds include, for example, developing the career and technical skills of students, providing instructional materials and equipment, providing professional development, supporting career and academic counseling, developing and updating CTE curriculum, and assessing the supported CTE programs. Federal Perkins IV funds supplement state and local funding of CTE to encourage the accomplishment of federal education policy goals. These goals as prominently manifested in Perkins IV include the attainment of rigorous academic standards by CTE students, the integration of secondary and postsecondary CTE elements into single programs of study, and the assessment and accountability of the achievement of educational and post-educational outcomes.

The following subsections describe in detail the Basic State Grants program. Each subsection specifically describes the eligible grant recipients, application requirements, allocation of funds, uses of funds, and accountability requirements.

### Reservations

Of the funds appropriated for the Basic State Grants, the Secretary of Education (hereafter referred to as the Secretary) initially reserves 0.13% for the outlying areas, 1.25% for the Native American programs, and 0.25% for the Native Hawaiian programs.

### *Assistance for the Outlying Areas (Sec. 115)*

Of the 0.13% set-aside for the outlying areas, Guam receives an initial allotment of \$660,000; American Samoa and the Commonwealth of the Northern Mariana Islands each receive an initial allotment of \$350,000; and the Republic of Palau receives an initial allotment of \$160,000.<sup>11</sup> The remainder is divided equally between Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.<sup>12</sup> In practice, since FY2008 the appropriation has been insufficient to

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<sup>11</sup> The Republic of Palau will no longer be eligible for its allotment upon renewing its Compact of Free Association (P.L. 99-658) unless the renewed Compact so provides. The 1986 Compact expired in 2009. In 2010, the United States and Palau agreed to a 15-year renewal. Pending its approval of the renewal agreement, Congress has extended the 1986 provisions annually.

<sup>12</sup> For the first fiscal year after the enactment of Perkins IV (FY2007), the Secretary distributed the remainder to Pacific Regional Educational Laboratory (PREL) to make grants in Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and to provide direct services. In FY2007, PREL received an award of \$16,019. FY2007 was the last year PREL was eligible to receive funding.

meet the initial allotments; therefore, the initial allotment for each area has been proportionally reduced.

The outlying areas use their allotments to train teachers and counselors; develop curricula; and improve CTE in secondary schools and institutions of higher education (IHEs) or improve cooperative education programs involving secondary schools and IHEs.<sup>13</sup>

### ***Native American Career and Technical Education Program (NACTEP)***

The Native American programs set-aside provides competitive grants or contracts to Bureau of Indian Education (BIE)-funded schools that are not proposing to fund secondary CTE programs,<sup>14</sup> federally recognized Indian tribes, tribal organizations, Alaska Native entities, and consortia of such. Indian tribes, tribal organizations, and Alaska Native entities may use their funds to support CTE programs in BIE-funded secondary schools, but the BIE must provide an equal match of the funds, if sufficient funds are available, and must not reduce CTE funding from the prior year. Secondary CTE programs in BIE-funded schools are not eligible under NACTEP because they receive funding through the states. Special consideration is given to applicants that involve, coordinate with, or encourage tribal economic development plans; and to tribally controlled colleges or universities that are either accredited or are candidates for accreditation as institutions of postsecondary CTE or that operate accredited CTE programs that issue certificates of completion.

NACTEP funds may be used for student stipends, for direct assistance to students, and to carry out CTE programs. A portion of the funds may be used for stipends to CTE students who have an income that is at or below the national poverty level and for whom work-study is insufficient to allow their participation without a stipend. In addition, the stipend or subsistence allowance cannot exceed the student's financial need, nor can it exceed the greater of either the minimum hourly wage prescribed by state or local law or the federal minimum wage, as established under the Fair Labor Standards Act (FLSA).

Funds may be used to provide direct assistance in the form of tuition, dependent care, transportation, books, and supplies to students who are members of a special population<sup>15</sup> if necessary for their program participation. The direct assistance must be part of a broader, more generally focused program or activity for addressing the needs of an individual who is a member of a special population and being served under NACTEP. Also, the Secretary indicates that direct assistance should not represent a “majority of a project’s budget.”<sup>16</sup>

Alternatively, each organization, tribe, or entity receiving assistance under NACTEP may consolidate funds with those received from eligible programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C.

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<sup>13</sup> The term ‘institution of higher education’ is as defined in Section 101 of the Higher Education Act.

<sup>14</sup> A BIE-funded school that is not proposing a secondary program is eligible for assistance under NACTEP.

<sup>15</sup> Special populations are individuals with disabilities; individuals from economically disadvantaged families, including foster children; individuals preparing for non-traditional fields; single parents, including single pregnant women; displaced homemakers; and individuals with limited English proficiency.

<sup>16</sup> U.S. Department of Education, “Office of Vocational and Adult Education; Overview Information; Native American Career and Technical Education Program (NACTEP); Notice Inviting Applications for New Awards for Fiscal Year (FY) 2006,” 72 *Federal Register* 13770-13780, March 23, 2007.

§ 3401 et seq.). Eligible programs are any formula-funded programs that promotes job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training. The programs may be coordinated under a single plan, single budget, and single reporting system in order to integrate the program services and reduce administrative costs.

In FY2007, for the 2007-2008 academic year, the Secretary competitively awarded five-year grants to 30 entities in 14 states.<sup>17</sup> The FY2007 awards used FY2006 funds. The awards were between \$240,000 and \$602,000 annually. The entities were 12 tribally controlled colleges or universities, 12 tribes, one tribal education agency (TEA), one tribal school board, and four other tribal organizations. The Secretary has extended the FY2007 awards through FY2013.<sup>18</sup>

### ***Native Hawaiian Program (NHCTEP)***

From the 0.25% of funds reserved for the Native Hawaiian program, the Secretary awards grants to or enters into contracts with community-based organizations that primarily serve and represent Native Hawaiians. Grantees may use funds to plan, conduct, and administer CTE programs, or portions thereof, that benefit Native Hawaiians. The specific uses of funds mirror those under the NACTEP, except the ability to consolidate under the Indian Employment, Training and Related Services Demonstration Act. Grantees may also enter into agreements with educational entities to actually provide CTE to Native Hawaiian students.

The Secretary made competitive two-year awards for FY2007 to eight projects to a single grantee—ALU LIKE, Inc. The FY2007 awards used FY2006 funds. The Secretary made new three-year awards beginning in FY2009. The FY2009 awards used FY2008 funds. The FY2009 awards funded several projects through three grantees: ALU LIKE, Inc., the Waianae District Comprehensive Health and Hospital Board, and the Office of Instructional Advancement for the Saint Louis School.

### **State and Substate Formula Allocation**

After funds are set aside for the outlying areas, NACTEP, and NHCTEP, funds are allocated by formula to the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands (referred to as “states” hereafter). Each state designates an “eligible agency” or state board as the sole state agency responsible for the administration of CTE in the state or for the supervision of the administration of CTE in the state. This section provides a description of how the statutory formula works.

#### ***State Formula Allocation***

The base formula for determining state allocations is designed to favor states with larger populations that are of high school age and two years thereafter and states with a lower than

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<sup>17</sup> Department of Education, “Career and Technical Education - Grants to Native Americans and Alaska Natives, Awards, Year 1: 2007-2008 Awards,” downloaded March 27, 2012, <http://www2.ed.gov/programs/ctenavtep/awards.html>.

<sup>18</sup> Department of Education, “Native American Career and Technical Education Program; Final Waivers and Extension of Project Period,” 77 *Federal Register* 30512-30514, May 23, 2012.

average per capita income. Population is based on the sum of the number of individuals in three age groups and the combined number of individuals in these age groups. Each of these groups is weighted. The largest weight (0.5) is assigned to the age group of persons aged 15 to 19, inclusive—the Perkins IV priority population group. The age group of persons aged 20 to 24, inclusive, is assigned a weight of 0.2, while the age group of persons aged 25 to 65, inclusive, is assigned a weight of 0.15. The final age group included in the calculation is all individuals aged 15 to 65, inclusive, and it is assigned a weight of 0.15. Thus, among states with a similar number of people aged 15 to 65, states with relatively younger populations will have a higher weighted population count than states whose populations are relatively older.

The weighted population count is further weighted by the state's allotment ratio. The state's allotment ratio is calculated by dividing the per capita income (pci) for the state by the pci for the 50 states and the District of Columbia combined. The result is multiplied by 0.5 and subtracted from one.

$$ARatio = 1 - 0.5 * \left( \frac{pci\_s}{pci\_n} \right)$$

Where:

ARatio = allotment ratio for the state

pci\_s = per capita income for the state

pci\_n = per capita income for the 50 states and the District of Columbia

Per capita income is defined as the total personal income in a state divided by the population of the state. Therefore, a state that has a pci equal to the pci for the 50 states and the District of Columbia combined has a calculated allotment ratio of 0.5. States with a pci that is lower than the national average are assigned allotment ratios greater than 0.5, and states with a pci that is higher than average are assigned values below 0.5. If the calculated allotment ratio is higher than 0.60 or lower than 0.40, it is adjusted to 0.60 or 0.40, respectively, to ensure that no state has an allotment ratio above 0.60 or below 0.40. The Virgin Islands and Puerto Rico are assigned an allotment ratio of 0.60 regardless of the calculated value. The state's allotment ratio is multiplied by the weighted population count. The inclusion of pci in the formula helps to provide states with lower pci's with additional grant funds.

Each state is allocated funds in proportion to the weighted population count that has been further weighted by the state's allotment ratio. In other words, a state's proportion of the funding is obtained by dividing its weighted population count that has been further weighted by the state's allotment ratio by the total of all of the states' weighted population counts that have been further weighted by their allotment ratios.

$$ALLOC_1 = APP \times \left( \frac{ARatio \times (0.5 * P_{15-19} + 0.2 * P_{20-24} + 0.15 * P_{25-65} + 0.15 * P_{15-65})}{\sum (ARatio \times (0.5 * P_{15-19} + 0.2 * P_{20-24} + 0.15 * P_{25-65} + 0.15 * P_{15-65}))} \right)$$

Where:

ALLOC = initial state allocation

APP = funding available for state grants

ARatio = allotment ratio for the state

$P_{15-19}$  = state population aged 15 to 19  
 $P_{20-24}$  = state population aged 20 to 24  
 $P_{25-65}$  = state population aged 25 to 65  
 $P_{15-65}$  = state population aged 15 to 65  
 $\Sigma$  = sum of value for all states.

Under current law, there are several provisions that alter these initial allocations. The first set of provisions applies if the total amount of funding available for state grants is equal to or less than the base amount of funding available in FY2006 (\$1,155,902,206). The second set of provisions applies if the total amount of funding available for state grants exceeds the base amount of funding available in FY2006.

*Formula for FY2006 Level or Decreased Funding*

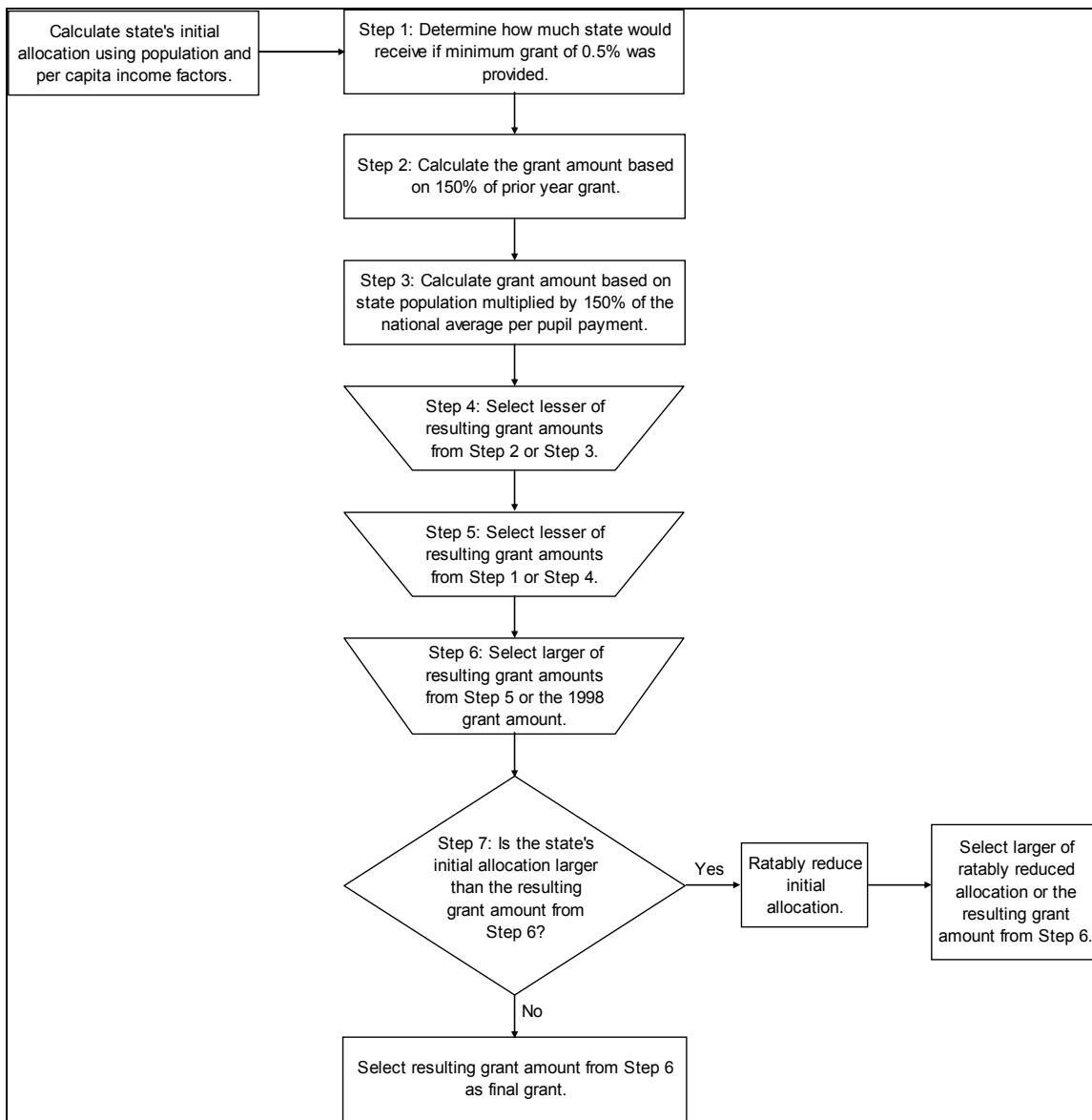
If the total amount of funding available for state grants is equal to or less than the base amount of funding available in FY2006, the initial state allocations are altered to ensure that no state's allocation is below certain minimum grant amounts. One minimum amount is the state's FY1998 grant (hold harmless); the other minimum is 0.5% of the total allocated to states. The 0.5% minimum may be adjusted based on a special rule. The special rule calculates for each state the lesser of (1) 150% of its prior year grant and (2) the state population of 15 to 65 year olds multiplied by 150% of the national average per pupil payment (NAPPP).<sup>19</sup> Based on these calculations, an adjusted 0.5% minimum is calculated for the state as the lesser of the 0.5% minimum or the amount calculated under the special rule. The adjusted 0.5% minimum is subsequently compared with the amount the state received in FY1998, and the larger amount is considered its minimum grant amount. For any state whose initial allocation is lower than its minimum grant amount, its initial allocation is adjusted to its minimum grant amount. For any state whose initial allocation exceeds its minimum grant amount, its initial allocation is ratably reduced<sup>20</sup> to provide states whose initial allocations were below their minimum grant amounts with their minimum grant amounts. However, the resulting ratably reduced grants may be further adjusted if the results for a single state fall below that state's minimum grant amount. **Figure 1** is provided to demonstrate how the formula works in practice.

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<sup>19</sup> The NAPPP is determined for each state by dividing the total amount allocated to all states by total population ages 15 to 65 in all states.

<sup>20</sup> Ratable reduction refers to the reduction of each state's allocations (except for those receiving some minimum grant amount) by the same percentage.

**Figure 1. Overview of Perkins IV Formula for Determining Basic State Grants When Appropriations Are At or Below the FY2006 Level**



**Source:** Figure prepared by CRS.

**Notes:** This figure depicts the process for determining all state grants under Perkins IV when the total amount of funding available for state grants remains constant at the FY2006 level or declines.

#### *Formula for Funding That Exceeds the FY2006 Level*

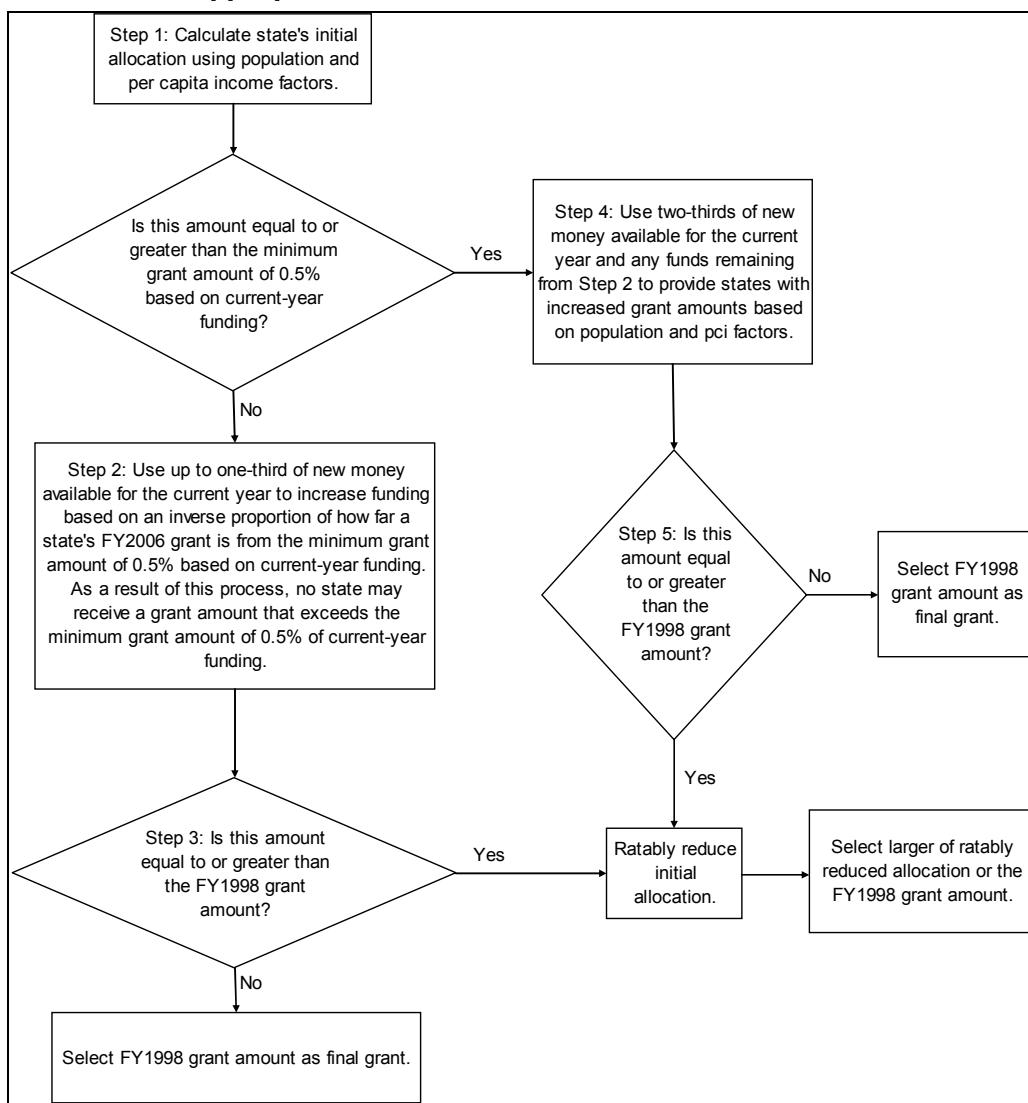
If the total amount of funding available for state grants exceeds the base amount of funding available in FY2006, the initial state allocations are altered to provide more funding to the states that did not receive the 0.5% minimum. Specifically, up to one-third of the *new money* is allotted to states with FY2006 grants that were less than the 0.5% minimum for the current year.<sup>21</sup> New

<sup>21</sup> The new money would not be used to provide increased funding to the Virgin Islands per statutory requirement.

money is defined as the amount by which the current year's funding available to states exceeds the FY2006 funding available to states.

The new money is allotted based on an inverse proportion of how far below the minimum grant amount of 0.5% each state's FY2006 grant is. In other words, states further from the 0.5% minimum receive a larger proportional increase above their FY2006 grant amount in comparison to states with an initial allocation that is below but closer to the 0.5% minimum. As a result of this allotment procedure, none of the small states could receive more than the minimum grant amount of 0.5% of the current amount allotted for state grants. The remaining funds (at least two-thirds of the new money) would be allotted to the other states based on the initial allocation and a 0.5% minimum, except that no state would receive a grant less than its FY1998 grant. If the appropriation is sufficient, then all grantees receive at least the 0.5% minimum. **Figure 2** is provided to demonstrate how the formula works in practice.

**Figure 2. Overview of Perkins IV Formula for Determining Basic State Grants When Appropriations Exceed the FY2006 Base Amount**



**Source:** Figure prepared by CRS.

**Notes:** This figure depicts the process for determining all state grants under Perkins IV when the total amount of funding available for state grants is greater than the FY2006 level.

### ***Within-State or Substate Distribution***

Once funds are allocated to the states according to the aforementioned formulas, states may reserve up to 10% of their state grant funds for state leadership activities (see the subsequent section on State Leadership Activities). States may also reserve the greater of up to 5% or \$250,000 for program administration. Administrative activities include planning, evaluation, compliance reviews, technical assistance, and the development and maintenance of data systems. States must match the Perkins IV administrative reservation with an equal amount of funds from non-federal sources.

States are required to distribute at least 85% of state grant funds to the local level (i.e., to eligible recipients such as LEAs and community colleges). Up to 10% of the funds distributed to the local level may be reserved for distribution to local providers that are in rural areas, areas with high percentages of CTE students, and areas with high numbers of CTE students (rural/high CTE). In 2008-2009, 16 states chose not to reserve any funds for rural/high CTE providers.<sup>22</sup> Of the remaining states that reserved funds, the average reservation was 7%.<sup>23</sup>

Subsequent to the rural/high CTE reservation, states decide the split of local level funds between secondary and postsecondary education. Statutory provisions give states the flexibility of how much to fund secondary and postsecondary CTE. Based on the most recent data available in 2008-2009, states distributed 63% of funds, on average, to secondary education providers.<sup>24</sup>

### ***Distributions to Secondary Education Providers***

Eligible recipients at the secondary level are LEAs that serve secondary level students, including public charter schools that operate as LEAs, BIE-funded schools, area CTE schools providing secondary education,<sup>25</sup> educational service agencies (ESAs),<sup>26</sup> or consortia of such.<sup>27</sup> Perkins IV provides a choice of three methodologies for states to distribute funds to eligible recipients at the secondary level—(1) a formula prescribed by statute, (2) a method devised by the state, and (3) an alternative method prescribed by statute for minimal distributions.

1. The formula prescribed by statute for determining substate secondary level allocations is designed to favor local providers serving a larger population living below the poverty level. Population is the number of persons aged 5 through 17 who reside in the school district served by the LEA. Seventy percent (70%) of

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<sup>22</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008-09*, Washington, D.C., 2012.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Area CTE schools are specialized schools or departments of secondary or postsecondary schools, used exclusively or principally for the provision of CTE.

<sup>26</sup> An educational service agency is a regional public multiservice agency authorized by state statute to develop, manage, and provide services or programs to local educational agencies.

<sup>27</sup> To be eligible, the area CTE school or ESA must have formed or will form a consortium with an eligible LEA or must have entered into or will enter into a cooperative arrangement with an eligible LEA for the purpose of receiving Perkins IV funds.

the funds designated for distribution to secondary education providers is distributed based on the population living below the poverty level in the LEA compared to the total population living below the poverty level in all participating LEAs in the state. The remaining 30% of the funds is distributed based on the population in the LEA compared to the total population in all participating LEAs in the state. The data are adjusted to make the allocations reflect any changes in school district boundaries that may have occurred since the population and/or enrollment data were collected, and to include LEAs, charter schools, and BIE-funded schools without geographical boundaries.

2. The Secretary may permit a state to use an alternative secondary substate formula if the formula more effectively targets funds on the basis of poverty to local secondary education providers within the state than the statutorily described formula.
3. Finally, if the state-chosen distribution to secondary education is 15% or less of the state's total grant funds distributed to the local level, the state may allocate funds on a competitive basis or any alternative method. In 2008-2009, no state distributed 15% or less of the total state grant funds to secondary providers.<sup>28</sup>

For LEAs to receive a grant under the first or second methodology, the amount must be greater than \$15,000. LEAs may form consortia to meet the threshold grant requirement. The threshold grant requirement will be waived if the LEA demonstrates an inability to enter into a consortium and is either located in a rural, sparsely populated area or is a public charter school operating secondary CTE programs.

#### *Distributions to Postsecondary Education Providers*

Eligible recipients at the postsecondary level are LEAs providing postsecondary education; area CTE schools providing postsecondary education; tribally controlled colleges and universities; ESAs; public or nonprofit IHEs that offer CTE courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree; and consortia of such. Perkins IV provides a choice of three methodologies for states to distribute funds to eligible recipients at the postsecondary level—(1) a formula prescribed by statute, (2) a method devised by the state, and (3) an alternative method prescribed by statute for minimal distributions.

1. The formula prescribed by statute for determining substate postsecondary allocations is designed to favor providers serving a larger population of disadvantaged CTE students. Funds designated for distribution to postsecondary education providers are distributed based on the sum of the numbers of federal Pell Grant recipients and recipients of assistance from the BIE enrolled in CTE programs of the provider compared to the sum of the number of such recipients for all providers.<sup>29</sup> The minimum grant amount is \$50,000.
2. The Secretary may permit a state to use an alternative secondary substate formula if the formula more effectively targets funds to local postsecondary education

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<sup>28</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012.

<sup>29</sup> The BIE funds scholarship grants to eligible American Indians and Alaska Native students. Typically, individual grants are based on each student's certified financial aid requirements as identified in the U.S. Department of Education's Student Financial Assistance programs. Pell and BIE aid amounts are determined independently.

providers with the highest numbers of economically disadvantaged individuals within the state than the statutorily described formula.

3. Finally, if the state-chosen distribution to postsecondary education is 15% or less of the total state grant funds distributed to the local level, the state may allocate funds on a competitive basis or any alternative method. In 2008-2009, six states allocated 15% or less of the state's total grant funds to postsecondary education providers.<sup>30</sup>

## Activities at the State Level

Perkins IV provides states considerable flexibility in implementing the funding. The act was designed to increase “state and local flexibility in providing services and activities designed to develop, implement, and improve [CTE], including tech prep education.” To a certain extent, states can determine which CTE programs to implement and how to measure achievement.

### *State Plan*

To receive funding, the state eligible agency must coordinate, develop, and submit a six-year state plan to the Secretary, and evaluate the program, services, and activities.<sup>31</sup> The state plan must be developed through public hearings and consultation with an array of stakeholders, including but not limited to academic and CTE teachers, faculty, and administrators; educational institutions; parents and students; workforce investment boards (WIBs);<sup>32</sup> interested community members; and representatives of business, industry, and labor organizations. The plan is to include such substance as descriptions of

- the activities supported and how these activities will help the state meet or exceed its goals or targets on performance measures defined by statute and by the state;
- the career and technical programs of study (see box below), which may be adopted by LEAs and postsecondary institutions;
- the professional development, recruitment, and retention strategies;
- efforts to facilitate the transition of subbaccalaureate CTE students into baccalaureate degree programs; and
- the integration of academics with CTE to ensure learning in and attainment of the same challenging academic proficiencies that are taught to all other students.

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<sup>30</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012.

<sup>31</sup> Eligible agencies were permitted to submit a one-year transition plan for the first fiscal year following the enactment of Perkins IV.

<sup>32</sup> State and local workforce investment boards (WIBs) are established by the Workforce Investment Act (WIA) as part of the governance structure for programs that form the workforce development system under WIA. For more information, see CRS Report R41135, *The Workforce Investment Act and the One-Stop Delivery System*, by David H. Bradley.

### **Programs of Study**

Programs of study (POS) were intended as a major innovation and improvement to Perkins IV in comparison to the prior Perkins Acts. POS incorporate all of the critical aspects of CTE: academic standards, CTE skills, a progression from secondary to postsecondary education, and a recognized credential. The term POS was a compromise between using career pathways and model sequence of courses. POS

- incorporate secondary and postsecondary education elements;
- include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary and postsecondary education to adequately prepare students to succeed in postsecondary education;
- may include the opportunity for secondary education students to acquire postsecondary education credits, including through dual or concurrent enrollment; and
- lead to an industry-recognized postsecondary credential, certificate, associate degree, or baccalaureate degree.

Students who complete a POS are expected to be prepared for either employment or advanced education.

Alternatively, the state plan may be submitted as part of a Section 501 Unified Plan, as authorized by the Workforce Investment Act of 1998 (WIA) (see the section below on “Relationship with the Workforce Investment Act” for more information on unified plans). The plans are approved by the Secretary unless they do not meet the Perkins IV statutory requirements or the state’s proposed levels of performance on the core indicators of performance have not been approved by the Secretary (see the section below on “Accountability and Performance” for more information on levels of performance and the core indicators of performance).

### ***State Leadership Activities***

As described earlier, states may reserve up to 10% of their allocation for state leadership activities. There are nine required state leadership activities:

1. An assessment of the Perkins IV-funded CTE programs, including their impact on special populations;
2. Developing, improving, or expanding the use of technology in CTE;
3. Professional development programs;
4. Strengthening the academic and career and technical components of CTE programs that improve the academic and career and technical skills of students through the integration of coherent and relevant content aligned with challenging academic standards and relevant CTE, to ensure achievement in CTE subjects and the core academic subjects (as defined in Section 9101 of the Elementary and Secondary Education Act (ESEA));
5. Providing preparation for nontraditional fields in current and emerging professions, and other activities that expose students, including special populations, to high-skill, high-wage occupations, for which states must reserve at least \$60,000 but not more than \$150,000;<sup>33</sup>

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<sup>33</sup> Non-traditional fields are occupations in which individuals from one gender comprise less than 25% of the  
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6. Supporting partnerships among stakeholders to enable students to achieve state academic standards and career and technical skills, or complete career and technical programs of study;
7. Serving individuals in state institutions, such as state correctional institutions and institutions that serve individuals with disabilities, for which states may reserve up to 1% of their state allocation;
8. Support for programs for special populations that lead to high-skill, high-wage, or high-demand occupations; and
9. Technical assistance for local providers.

Leadership activity funds may also be used for activities such as improving academic and career counseling, supporting career and technical student organizations (CTSOs), and establishing articulation agreements between secondary and postsecondary education providers. An articulation agreement describes a program providing a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree through credit transfer agreements in a written commitment agreed upon at the state level or approved annually by educational institutions providing the different levels of instruction. State leadership funds may not be used for program administration.

## **Activities at the Local Level**

Perkins IV requires eligible recipients at the local level to develop and improve CTE programs.

### ***Local Plan***

To receive funding, local secondary and postsecondary education providers must submit local plans to the state eligible agency. The local plan must include

- how CTE activities will be carried out, and how these activities will support meeting the state and local adjusted levels of performance;
- how at least one state approved CTE program of study identified in the state plan will be adopted;
- how the integration of academics with CTE will be improved to ensure learning in and attainment of the same challenging academic proficiencies that are taught to all other students;
- how professional development for faculty will promote the integration of academic standards and CTE;

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employees. For example in 2010, the Department of Labor (DOL) listed 117 non-traditional occupations for women, many of which require two years or less of postsecondary education, including farmers, computer programmers, and electrical power line installers (Source: U.S. Department of Labor, Women's Bureau, "Nontraditional Occupations of Employed Women in 2010," [http://www.dol.gov/wb/stats/NontraJobs\\_2010.htm](http://www.dol.gov/wb/stats/NontraJobs_2010.htm)). The University of Hawaii Community Colleges list several non-traditional occupations for men such as child care workers, dental hygienists, and home health aides (Source: University of Hawaii Community Colleges, "Non-Traditional Careers for Men," <http://uhcc.hawaii.edu/nontrad/men.php>).

- how students will gain experience in and knowledge of industry;
- how all the relevant stakeholders are involved in the plan development and implementation;
- the sufficiency of size, scope, and quality of the CTE programs offered;
- the process for continual evaluation and improvement of the provider's performance;
- how the achievement and success of special populations and individuals in nontraditional fields will be promoted; and
- any other requirements established by the state agency.

### ***Local Uses of Funds***

In general, local education providers use their funds to improve and support CTE programs. At least one of the CTE programs offered must include the relevant elements of not less than one state approved career and technical program of study identified in the state plan. All of the CTE programs must ensure academic achievement and career and technical skill attainment; link education at the secondary and postsecondary levels; provide industry experience and understanding; be of sufficient size, scope, and quality to be effective; and provide activities to prepare special populations for high-skill, high-wage, or high-demand occupations that will lead to self-sufficiency. The local education providers must develop, improve, or expand the use of technology in CTE; provide professional development programs; and assess their CTE programs. Perkins IV limits the use of local funds for administrative costs to 5%.

In addition to the aforementioned requirements, Perkins IV also includes a list of permitted uses of local funds. Examples of permissible activities are

- the involvement of parents, businesses, and labor organizations in the design, implementation, and evaluation of CTE programs;
- the provision of career guidance and academic counseling;
- the assistance of CTSOs;
- the provision of direct assistance in circumstances as described in the "Native American Career and Technical Education Program (NACTEP)" section of this report;
- the leasing, purchasing, upgrading, or adapting equipment, including instructional aids and publications designed to strengthen and support academic and technical skill achievement; and
- initiatives that facilitate the transition of subbaccalaureate CTE students into baccalaureate degree programs.

### **Accountability and Performance**

Similar to other federal education programs distributed to states by formula, Perkins IV requires that states and local providers meet accountability provisions as outlined in statutory provisions to optimize the return on the federal investment in CTE. The accountability system requires that

states and local providers meet goals or targets on the core indicators of performance established by statute and on any additional indicators of performance established by the state or face sanctions.

### *Indicators of Performance*

The six required core indicators of performance at the secondary level are

- CTE student attainment of the state-determined proficient levels on the mathematics, reading or language arts, and science academic assessments, as adopted by the state in accordance with Title I of the Elementary and Secondary Education Act (ESEA);
- CTE student attainment of career and technical skill proficiencies, including those measured by assessments that are aligned with available and appropriate industry recognized standards;
- rates of CTE student attainment of each of the following: secondary school diplomas; General Education Development (GED) credentials or other state-recognized equivalents; and proficiency credentials, certificates, or degrees, 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);
- CTE student graduation rates as described in Title I of ESEA;
- CTE student placement in postsecondary education or advanced training, in military service, or in employment; and
- CTE student participation in, and completion of, CTE programs that lead to nontraditional fields.

The five required core indicators of performance at the postsecondary level are

- CTE student attainment of challenging career and technical skill proficiencies, including those measured by assessments that are aligned with available and appropriate industry-recognized standards;
- CTE student attainment of an industry-recognized credential, a certificate, or a degree;
- CTE student retention in postsecondary education or transfer to a baccalaureate degree program;
- CTE 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; and
- CTE student participation in, and completion of, CTE programs that lead to employment in nontraditional fields.

As previously mentioned, states may also identify additional indicators of performance.

### ***Adjusted Levels of Performance***

The state adjusted levels of performance are annual goals or targets for each of the core indicators of performance.<sup>34</sup> The levels are established by each state with input from the local education providers and agreed upon by the Secretary. The levels are intended to ensure continual improvement for each state and take into consideration the adjusted levels of other states. In addition to the adjusted levels of performance agreed upon by the Secretary, each state that establishes additional indicators of performance also establishes state levels of performance for each additional indicator. The levels of performance on the additional indicators do not require approval or agreement by the Secretary. States annually report to the Secretary on the progress of CTE students served by Perkins IV in achieving the state adjusted levels of performance and the state levels of performance, including the levels of performance for special populations.<sup>35</sup>

Each indicator must be disaggregated by special populations (students with disabilities, economically disadvantaged students, students preparing for nontraditional fields, single parents, displaced homemakers, and limited English proficient (LEP) students) and the ESEA Title I subgroups (all students, economically disadvantaged students, LEP students, students with disabilities, and students in major racial and ethnic groups).<sup>36</sup> In addition, the Secretary requires data disaggregation by gender and migrant status. The annual state reports (Consolidated Annual Reports) are publicly disseminated by the Secretary. Although each core indicator of performance must be disaggregated, the adjusted levels of performance apply only at the aggregate level.

Local education providers may accept the state adjusted levels of performance as their local adjusted levels of performance or negotiate with the state to set new local adjusted levels of performance. In addition, each local provider may establish local levels of performance for each of the state's additional indicators of performance. Local providers must report annually to the state and public on the progress of CTE students served by Perkins IV in achieving the local adjusted levels of performance and local levels of performance, if established.

### ***Sanctions***

States that do not meet at least 90% of a state adjusted level of performance for any of the core indicators of performance in any year are required to develop and implement a program improvement plan in consultation with the appropriate stakeholders. The improvement plan must be implemented in the first year following the program year in which the state failed to meet the state adjusted level of performance. The Secretary is required to provide technical assistance if the state is not properly executing its responsibilities or is not making substantial progress. If the state fails to implement its improvement plan, fails to make any improvement in meeting its state

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<sup>34</sup> States that operate CTE programs for adults apart from the regular postsecondary education providers negotiate separate adjusted levels of performance for their adult-level CTE students using the postsecondary core indicators.

<sup>35</sup> Special populations are individuals with disabilities; individuals from economically disadvantaged families, including foster children; individuals preparing for non-traditional fields; single parents, including single pregnant women; displaced homemakers; and individuals with limited English proficiency (LEP).

<sup>36</sup> Per U.S. Department of Education, “Final Guidance on Maintaining, Collecting, and Reporting Racial and Ethnic Data to the U.S. Department of Education,” 72 *Federal Register* 59266-59279, October 19, 2007, the Secretary permitted states to determine whether to disaggregate racial and ethnic groups per the 1977 or 1997 Office of Management and Budget categories or categories approved for the state in accordance with ESEA through 2009-2010. Beginning with the PY2010-2011, all states must report under the 1997 classification system for the PY2010–11, as modified by categories approved under ESEA.

adjusted levels of performance within the first program year of implementing its improvement plan, or fails to meet at least 90% of the state adjusted level of performance for the same core indicator of performance for three consecutive years, the Secretary may withhold all, or a portion of, the state's leadership and administrative funds after notice and opportunity for a hearing.<sup>37</sup> The Secretary must use the withheld funds to provide technical assistance, to assist in the development of an improved state improvement plan, or for other improvement activities consistent with Perkins IV for the state.

Likewise, local providers that do not meet at least 90% of a local adjusted level of performance for any of the core indicators of performance face similar sanctions with three exceptions. The state rather than the Secretary provides technical assistance to the local providers. The state may withhold all, or a portion of, the local provider's funding.<sup>38</sup> Finally, the state must use the withheld funds to provide (through alternative arrangements) services and activities to students within the area previously served by the local provider to meet the purposes of Perkins IV.

## Title II—Tech Prep

Title II of Perkins IV authorizes another state formula grant program known as Tech Prep. The goal of the program is to combine and coordinate secondary and postsecondary vocational education activities into a coherent sequence of courses, known as the “2+2” model for two years of secondary education followed by two years of postsecondary education, which may include a two-year apprenticeship program. States award grants to consortia consisting of participants from both the secondary and postsecondary education levels. Consortia use the funds to develop and maintain CTE 2+2 programs of study. Funds are allocated to the states according to the Basic State Grant allocation without the application of minimum grant amounts. States must describe in their Basic State Grants state plan how Tech Prep activities will be coordinated with other activities described in the state plan.

The Tech Prep program may be operated as a separate program, or the funds may be combined under the Basic State Grants. If eligible agencies choose to combine program funds, funds are considered as being allotted under the Basic State Grants program and must be distributed to eligible recipients in accordance with that program. In 2009-2010, 26 states consolidated all of their Tech Prep funds into the Basic State Grants, and one state consolidated part of its Tech Prep funds into the Basic State Grants.<sup>39</sup>

The Tech Prep funds that are not consolidated with Basic State Grants funds are allocated by each state to local providers through four-year or six-year grants awarded competitively or through a formula determined by the eligible agency. Eligible local providers are consortia of at least one eligible secondary education provider and at least one eligible postsecondary education provider. The eligible secondary education providers are the same as the eligible secondary level local

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<sup>37</sup> The Secretary may waive the sanction due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

<sup>38</sup> A state may waive the sanction 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 based on the impact on the local provider's reported performance of the small size of the CTE program operated by the local provider.

<sup>39</sup> U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2007–08*, Washington, D.C., 2010, pp. 36-37.

providers under the Basic State Grants. The eligible postsecondary education providers are nonprofit IHEs<sup>40</sup> that offer a two-year associate's degree, two-year certificate, or two-year postsecondary apprenticeship program, or proprietary IHEs that offer a two-year associate's degree program.<sup>41</sup> A consortium may also include baccalaureate degree-granting IHEs, employers, business intermediaries, and labor organizations.

If all Tech Prep funds are not consolidated under the Basic State Grants, the Tech Prep program must meet several requirements. The participants of each consortium must operate under an articulation agreement providing credit transfer agreements. The CTE program must be a program of study that

- combines at least two years of secondary education with at least two years of postsecondary education in a nonduplicative, sequential course of study or with an apprenticeship program of not less than two years;
- integrates academic and CTE instruction, utilizing work-based and worksite learning experiences where appropriate and available;
- provides technical preparation in a career field, including high-skill, high-wage, or high-demand occupations;
- builds student competence in core academic subjects (as defined in Section 9101 of Elementary and Secondary Education Act)<sup>42</sup> and technical skills, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;
- leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree in a specific career field;
- leads to placement in high-skill or high-wage employment, or to further education; and
- utilizes CTE programs of study, to the extent practicable.

The program must meet state developed academic standards. Tech-prep programs are also required to provide in-service professional development for teachers, faculty, and administrators; and provide professional development programs for counselors. In addition, the program must provide equal access to individuals who are members of special populations and preparatory services to non-CTE participants.<sup>43</sup> Finally, a Tech Prep program must coordinate its activities with activities conducted under the Basic State Grants. The Perkins IV Tech Prep program also includes additional permissible uses of funds, such as equipment acquisition and improved career guidance.

Each consortium receiving funding is required to establish and report on the following indicators of performance with respect to Tech Prep participants:

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<sup>40</sup> IHE is as defined in Section 102 of the Higher Education Act of 1965.

<sup>41</sup> IHEs must not be disqualified from offering federal student loans on the basis of high student loan default rates.

<sup>42</sup> The core academic subjects are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

<sup>43</sup> Preparatory services assist students in the selection of, or preparation for participation in, an appropriate CTE program.

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

In addition, the Secretary requires each consortium to report on the core indicators of performance required under the Basic State Grants. Each consortium receiving Tech Prep funding must enter into an agreement with the eligible agency to meet a minimum level of performance on the core indicators of performance and the three aforementioned indicators of performance. If a consortium does not meet these performance levels for three consecutive years, the eligible agency must require the consortium to resubmit an application for a Tech Prep grant. In addition, if grants are made to consortia on a formula basis, the eligible agency may terminate funding to a consortium that fails to meet its performance levels for three consecutive years.

## **Section 114—National Programs**

Perkins IV authorizes national activities (Section 114) requiring the Secretary to

- collect performance information about, and report on, the condition of CTE and the effectiveness of state and local Perkins IV programs, including through an annual report to Congress;
- collect assessment information on a nationally representative sample of CTE students;<sup>44</sup>
- appoint an independent advisory panel to advise the Secretary on the execution of an independent evaluation and assessment of Perkins IV-funded CTE programs, including the implementation of Perkins IV;
- submit the aforementioned independent evaluation to the Congress on or before July 1, 2011;<sup>45</sup> and
- award a grant, contract, or cooperative agreement, on a competitive basis, to an IHE, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center to carry out scientifically based research and evaluation to improve the education,

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<sup>44</sup> The National Center for Education Statistics (NCES) is directed to collect these data “as a regular part of its assessments.”

<sup>45</sup> The most recent national assessment of CTE was submitted by the Secretary in 2004.

employment, and training of CTE participants and to improve the preparation and professional development of CTE faculty.

ED's National Center for Education Statistics (NCES) maintains various CTE statistics based on data from various NCES surveys.<sup>46</sup> For federal, state, and local policymakers, practitioners, and other stakeholders, ED also maintains a resource and information-sharing portal, the Perkins Collaborative Resource Network (PCRN), which includes information on current CTE legislation, grants, and accountability data, as well as resources for developing and implementing rigorous, state-of-the-art CTE programs.<sup>47</sup> The University of Louisville has received a grant of \$4.5 million in each of FY2007-FY2010 and \$2.5 million in each of FY2011 and FY2012 to operate the National Research Center for Career and Technical Education (NRCCTE).<sup>48</sup>

The last independent evaluation of Perkins and vocational education (hereafter referred to as the *2004 NAVE*) was completed in 2004 and evaluated Perkins III.<sup>49</sup> Key findings included that CTE provided short- and medium-term earning benefits for most students, including economically disadvantaged students, at both the secondary and postsecondary levels; secondary CTE students had higher academic achievement than CTE students 10 years prior; and the integration of secondary CTE and academic instruction was slow and challenging. The evaluation recommended that the act be focused on either academic education or CTE with streamlined accountability requirements, have separate goals for secondary and postsecondary CTE, and fold the Tech Prep secondary/postsecondary integration and articulation into the Basic State Grants program to a greater extent.

## **Section 117—Tribally Controlled Postsecondary Career and Technical Institutions (TCPCTIP)**

Perkins IV authorizes grants to two tribally controlled postsecondary career and technical institutions: United Tribes Technical College (UTTC) in North Dakota and Navajo Technical College (NTC) in New Mexico. These IHEs are eligible for TCPCTIP grants because they do not receive funds under the Tribally Controlled College or University Assistance Act of 1978 (TCCUAA; 25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.). UTTC and NTC are also the only recipients of funds from the Department of the Interior's Tribal Technical Colleges program (TCCUAA, Title IV; 25 U.S.C. 1861 et seq.), which supports their postsecondary CTE programs.

Funds may be used for CTE programs for Indian students and for the associated institutional support costs. Subject to the availability of appropriations, funds may be used for expenses associated with, but not limited to, maintenance, repair, and minor improvements; equipment; special instruction (including special programs for individuals with disabilities and academic instruction); boarding costs; transportation; daycare and family support programs for students and their families; and student stipends.

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<sup>46</sup> The NCES Career/Technical Education (CTE) Statistics website is available at <http://nces.ed.gov/surveys/ctes/index.asp>.

<sup>47</sup> ED's Perkins Collaborative Resource Network (PCRN) website is available at <http://cte.ed.gov/>.

<sup>48</sup> The NRCCTE website is available at <http://www.nrccte.org/>.

<sup>49</sup> U.S. Department of Education, Office of the Under Secretary, Policy and Program Studies Service, *National Assessment of Vocational Education: Final Report to Congress*, Washington, D.C., 2004.

Sufficient funds are awarded to the two IHEs to pay associated maintenance, operation, capital expenditures, repair, replacement, and institutional support of their CTE programs. In the event that sufficient funds are not available, each IHE receives a per student payment that is proportional to the previous year—the product of the prior year’s funding per full-time equivalent (FTE) Indian student enrolled in both IHEs and the current full-time equivalent (FTE) Indian student count for the IHE, plus inflation.

$$ALLOC_{IHE} = \left( \frac{APP_{prioryear}}{FTE_{total}} \right) \times FTE_{IHE} \times Infl$$

Where:

$ALLOC_{IHE}$  = allotment for the IHE

$APP_{prioryear}$  = program appropriation for the prior year

$FTE_{total}$  = full-time equivalent (FTE) enrollment of Indian students in both IHEs

$FTE_{IHE}$  = full-time equivalent (FTE) enrollment of Indian students in the IHE

Infl = inflationary increase of necessary costs beyond the institution’s control

The Secretary has developed, in compliance with statutory provisions, a complaint resolution procedure for grant determinations and calculations.

## **Section 118—Occupational and Employment Information**

Section 118 of Perkins IV authorizes the Secretary to provide assistance and funding to state-designated entities that collect and disseminate occupational and employment information. These entities are jointly designated in each state by the Governor and the state agency that oversees CTE. Statutory provisions do not specify how funds will be disseminated. Funds may be used to support career guidance and academic counseling and to improve access to information and planning resources that relate academics and CTE to career goals. Funds may also be used to improve coordination and communication among administrators and planners of Perkins IV programs and labor market information, as authorized by Section 15 of the Wagner-Peyser Act (WPA; 29 U.S.C. 49 et seq.), to avoid duplication of efforts and promote information sharing, and to provide readily available occupational information.<sup>50</sup>

## **Authorization and Appropriation**

The Basic State Grants, national programs, Section 118, Tech Prep, and TCPCTIP are each authorized at such sums as may be necessary for each of FY2007-FY2012. Appropriations for Perkins IV have generally declined from \$1.304 billion in FY2007 to \$1.139 billion in FY2012 (see **Table 1**).

The Basic State Grants receive two separate appropriation amounts:

- an appropriation for the current fiscal year (e.g., appropriated funds that are to be obligated during FY2012 are appropriated in the FY2012 appropriations act) and

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<sup>50</sup> Section 15 of the Wagner-Peyser Act, as amended by the Workforce Investment Act (P.L. 105-220), requires the development and maintenance of a nationwide employment statistics system.

- an advance appropriation for the subsequent fiscal year (e.g., appropriated funds that are to be obligated during FY2013 are appropriated in the FY2012 appropriations act).<sup>51</sup>

Advance funding provides federal, state, and local officers “adequate notice” of the availability of federal funds for carrying out ongoing education activities and projects. Total appropriations for the Basic State Grants, including the advance, have generally decreased from \$1.18 billion in FY2007 to \$1.12 billion in FY2012. The advanced appropriation has been fairly stable at about \$791 million in each year.

The Tech Prep program was funded \$105 million in FY2007 and \$103 million in each of FY2008-FY2010. The program has not been funded since FY2010. The national evaluation of Perkins III (hereafter referred to as the *2004 NAVE*) provided an option for future Perkins legislation of eliminating Tech Prep for its failure to sufficiently integrate and articulate secondary and postsecondary education and target high poverty students.<sup>52</sup> The Administration’s FY2011 budget requested \$0 for Tech Prep, indicating that states could fulfill the Tech Prep program requirements under the Basic State Grants but with greater flexibility. In 2009-2010, 26 states consolidated all of their Tech Prep funds into the Basic State Grants, and one state consolidated part of its Tech Prep funds into the Basic State Grants.<sup>53</sup>

Appropriations for the Tribally Controlled Postsecondary Career and Technical Institutions (TCPCTIP) program are provided through the Higher Education account of the annual appropriations act rather than as part of the Career, Technical, and Adult Education account. Appropriations for TCPCTIP increased from \$7.4 million in FY2007 to \$8.2 million in FY2010 before declining to \$8.1 million in FY2012.

**Table I. Perkins IV Appropriations: FY2007-FY2012**

Program	Appropriations (\$ in thousands)					
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
<b>State grants</b>						
Annual appropriation	390,553	369,911	369,911	369,911	332,659	332,030
Advance for succeeding FY	791,000	791,000	791,000	791,000	789,505	791,000
Subtotal, state grants	1,181,553	1,160,911	1,160,911	1,160,911	1,122,164	1,123,030
National programs	10,000	7,860	7,860	7,860	7,844	7,829
Occupational and employment information	-	-	-	-	-	-
Tech Prep	104,753	102,923	102,923	102,923	-	-

<sup>51</sup> Under federal budget scorekeeping rules, an advance appropriation is not counted in the 302(b) allocation until the following year. Thus, Congress is able to provide funding for education and other programs in the appropriations for one fiscal year without having it count against the total amount available for discretionary appropriations in that fiscal year. For more information about advance appropriations, see CRS Report RS20441, *Advance Appropriations, Forward Funding, and Advance Funding*, by Sandy Streeter.

<sup>52</sup> U.S. Department of Education, Office of the Under Secretary, Policy and Program Studies Service, *National Assessment of Vocational Education: Final Report to Congress*, Washington, D.C., 2004.

<sup>53</sup> President’s Budget Request, FY2011.

Program	Appropriations (\$ in thousands)					
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012
Subtotal, Career and technical education	1,296,306	1,271,694	1,271,694	1,271,694	1,130,008	1,130,859
Tribally controlled postsecondary career and technical institutions	7,366	7,546	7,773	8,162	8,146	8,131
Total Carl D. Perkins Career and Technical Education Improvement Act	1,303,672	1,279,240	1,279,467	1,279,856	1,138,154	1,138,990

**Source:** President's Budget Request, FY2008–FY2012.

## **Additional Provisions**

Additional Perkins IV provisions specify grantee treatment of private school staff and students, grantee fiscal considerations, and the relationship between Perkins IV and WIA.

### **Private School Staff and Students (Section 317)**

Perkins IV requires, to the extent practicable and upon written request, eligible agencies and eligible recipients to include secondary education staff in nonprofit private schools in the geographical area served by the eligible agency or recipient in CTE professional development activities.

Perkins IV allows eligible recipients, upon written request, to provide for the “meaningful” participation in CTE programs and activities of secondary school students who reside in the geographic area and who are enrolled in nonprofit private schools. In addition, upon written request, the eligible recipient must consult “in a timely and meaningful manner” with representatives of nonprofit private schools located in the geographical area served by the eligible recipient to discuss the meaningful participation of secondary education students attending these schools in Perkins IV-funded CTE programs and activities.

### **Supplement Not Supplant/Maintenance of Effort (Section 311)**

Perkins IV includes supplement not supplant and maintenance of effort requirements. The supplement not supplant provision prohibit states and local education providers from using Perkins IV funds (1) to provide services that state and/or local funds have provided or purchased in the previous year; (2) to provide services that are required to be provided under federal, state, or local law,<sup>54</sup> or (3) to provide services for non-CTE students but charged to Perkins IV for CTE students.<sup>55</sup> Also, a state must maintain or exceed its CTE expenditures per student or the aggregate CTE expenditures for the second preceding fiscal year compared to the preceding fiscal

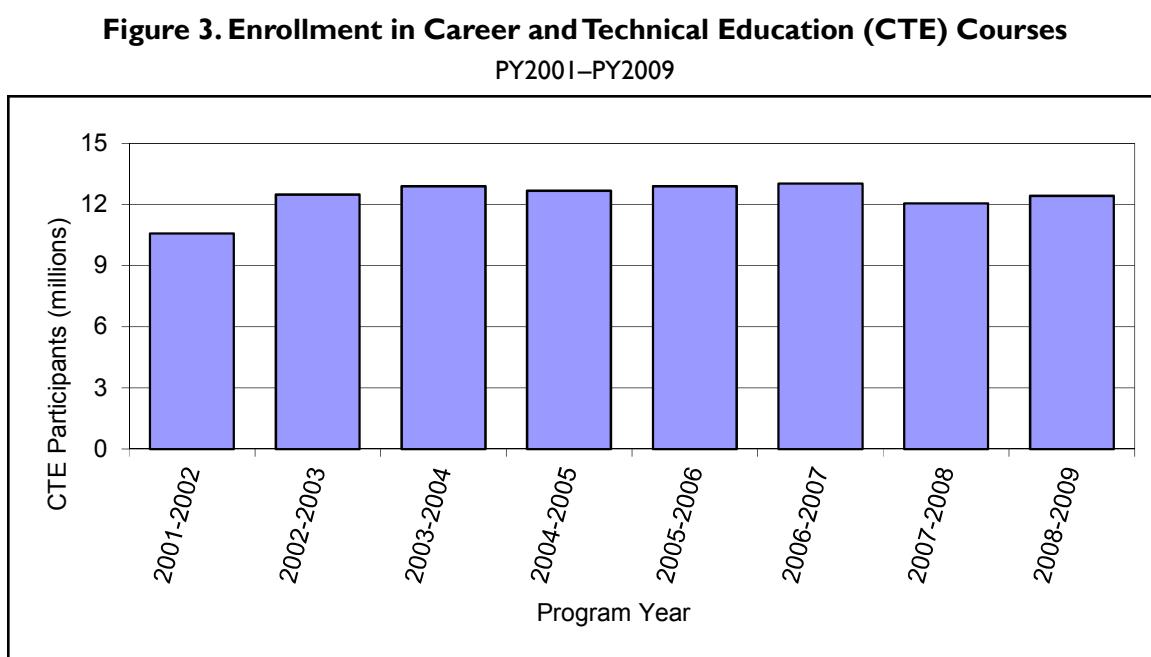
<sup>54</sup> Perkins IV funds may be used to pay for the costs of CTE services required in an individualized education program developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of Section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to CTE.

<sup>55</sup> The supplement not supplant criteria may be rebutted if the state or local education provider demonstrated that it would not have provided the services in the absence of Perkins IV funds.

year.<sup>56</sup> However, if the total Perkins IV appropriations decrease, states may decrease their fiscal effort by the same percentage that the appropriations decreased.

## Perkins IV Participation and Performance Results

The unduplicated CTE course enrollment counts are shown in **Figure 3**. Enrollment is an unduplicated count of all students reported by each state as having taken one or more CTE courses at the secondary, postsecondary, and adult levels. These courses may or may not be funded with Perkins IV funds. Enrollment increased from 10.6 million students in 2001-2002 to 12.4 million students in 2008-2009.



**Source:** U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012, p. 14.

**Notes:** Participation is an unduplicated count of all students reported by each state as having taken one or more CTE courses at the secondary, postsecondary, and adult levels. These courses may or may not be funded with Perkins IV funds. The Republic of Palau did not submit data because it did not have a fully approved state plan. American Samoa and the Commonwealth of the Northern Mariana Islands did not submit data because they consolidated their Perkins IV Basic State Grant with funds under other formula programs and used these funds for allowable program purposes other than CTE.

**Table 2** disaggregates enrollment in CTE courses by student characteristics, including gender, race/ethnicity, and special populations. These courses may or may not be funded with Perkins IV funds. Although male students are overrepresented (53%) at the secondary level, they are underrepresented (45%) at the postsecondary level. Over half of the participants are White, 55%

<sup>56</sup> The Secretary may reduce the maintenance of effort requirements by no more than 5% for one fiscal year only as a result of exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources.

at the secondary level, 56% at the postsecondary level, and 61% at the adult level. Approximately half of the participants are economically disadvantaged—49% at the secondary level, 43% at the postsecondary level, and 57% at the adult level. This percentage may suggest the effectiveness of the focus on low-income students in the formula allocation process.

**Table 2. Enrollment in Career and Technical Education (CTE) Courses, by Select Disaggregated Student Categories, PY2008–2009**

Disaggregated Category	Secondary	Postsecondary	Adult <sup>a</sup>
Gender			
Male	53%	45%	50%
Race and Ethnicity			
American Indian or Alaska Native	1%	1%	1%
Asian or Pacific Islander	4%	8%	1%
Black or African American	17%	13%	24%
Hispanic	21%	17%	11%
White	55%	56%	61%
Unknown or Two or More Races	1%	3%	1%
Special Populations			
Individuals With Disabilities (ADA <sup>b</sup> )	NA	5%	8%
Individuals With Disabilities (ESEA/IDEA <sup>c</sup> )	15%	NA	NA
Economically Disadvantaged Students	49%	43%	57%
Single Parents	1%	9%	12%
Displaced Homemakers	<1%	3%	4%
Limited English Proficient Students	9%	6%	8%
Migrant Students <sup>d</sup>	1%	NA	NA
Students in Nontraditional Programs	25%	34%	11%

**Source:** U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012, pp. 18-19.

**Notes:** A few states did not submit disaggregated data on CTE participants for one or more categories. These courses may or may not be funded with Perkins IV funds. Totals may not add due to rounding.

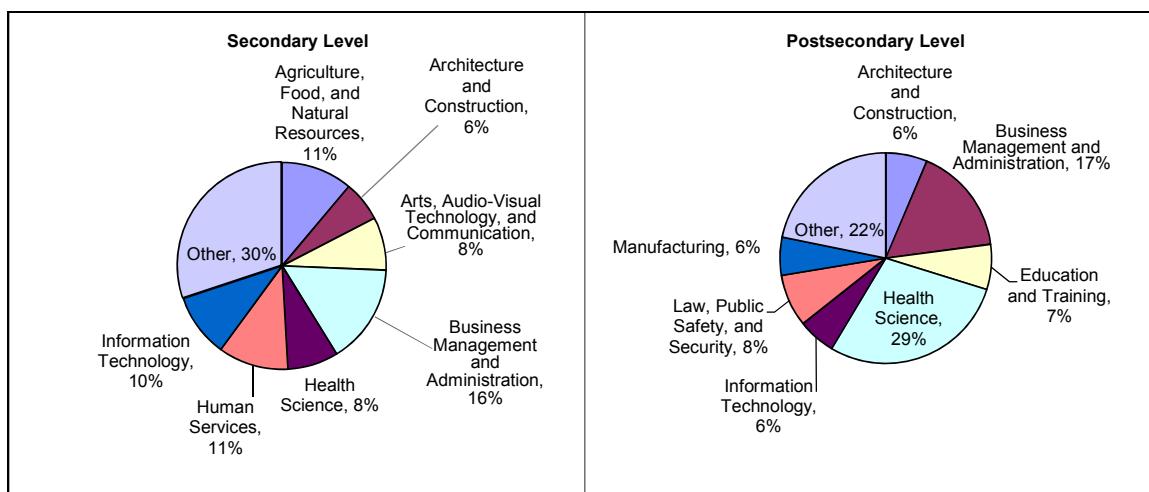
- a. Florida, Louisiana, Missouri, Ohio, Oklahoma, Rhode Island, and Tennessee operate separate adult-level programs that are not included in community college settings and thus report data for their adult-level CTE students.
- b. Americans with Disabilities Act of 1990 (ADA). ADA is applicable to individuals with disabilities at the secondary and postsecondary levels. The ADA defines the term disability with respect to an individual as “(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment (as described in paragraph (3)).” A child who is covered under IDEA would be covered under Section 504 and the ADA, but some students not covered under IDEA would be covered under Section 504 and the ADA. While ADA is applicable to individuals with disabilities in secondary and postsecondary education, for reporting purposes, the states reported ADA data only for the postsecondary and adult populations.
- c. ESEA and the Individuals with Disabilities Education Act (IDEA) are applicable to only those students at the secondary levels. “Individuals with disability” in ESEA refers to a “child with a disability,” as defined by IDEA.

IDEA defines “individual with a disability” a child “(i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (referred to in this title as ‘emotional disturbance’), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services.” A child who is covered under IDEA would be covered under Section 504 and the ADA, but some students not covered under IDEA would be covered under Section 504 and the ADA.

- d. Not applicable. The category “migrant students” is applicable only to students in the migrant status category under ESEA and, therefore, does not include students at the postsecondary and adult levels.

**Figure 4** disaggregates CTE concentrators by career cluster. The most popular career clusters at the secondary level are business management and administration (16%), human services (11%), agriculture (11%), and information technology (10%). At the postsecondary level, almost half of CTE concentrators are clustered in the health sciences (29%) and business management and administration (17%).

**Figure 4. Enrollment of Career and Technical Education (CTE) Concentrators in CTE Programs, by Career Cluster, PY2008-2009**



**Source:** U.S. Department of Education, Office of Vocational and Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012, p. 20.

**Notes:** Each career cluster represents a distinct grouping of occupations and industries based on the knowledge and skills CTE students require. These programs may or may not be funded with Perkins IV funds. The Republic of Palau did not submit data because it did not have a fully approved state plan. American Samoa and the Commonwealth of the Northern Mariana Islands did not submit data because they consolidated their Perkins IV Basic State Grant with funds under other formula programs and used these funds for allowable program purposes other than CTE.

ED has reported program performance results for the 2008-2009 program year, the first year for which states were required to report all of the aforementioned performance indicators.<sup>57</sup> The

<sup>57</sup> Results are not available for American Samoa, the Republic of Palau, and the Commonwealth of the Northern Mariana Islands. Palau did not have a fully approved state plan. American Samoa and the Northern Mariana Islands have consolidated their Perkins IV basic state grant with funds under other formula programs and used these funds for allowable program purposes other than for CTE. Source: U.S. Department of Education, Office of Vocational and (continued...)

2007-2008 program year was a transition year to Perkins IV from Perkins III. Transition year reporting requirements were abbreviated in comparison to the aforementioned full requirements for subsequent years.<sup>58</sup>

For the secondary level core indicators of performance, 10 states met or exceeded each of their adjusted levels of performance.<sup>59</sup> An additional 17 states met at least 90% of their adjusted levels of performance and thus avoided developing an improvement plan.<sup>60</sup> The graduation rate indicator was met or exceeded by the largest (46) number of states, and the nontraditional completion indicator was met or exceeded by the fewest (36) number of states.

For the postsecondary level core indicators of performance, 14 states met or exceeded each of their adjusted levels of performance.<sup>61</sup> An additional 15 states met at least 90% of their adjusted levels of performance and thus avoided developing an improvement plan.<sup>62</sup> The technical skill attainment indicator was met or exceeded by the largest (47) number of states, and the indicator of student placement after postsecondary education was met or exceeded by the fewest (29) number of states.

Data for additional years have not been reported by ED.

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Adult Education, *Carl D. Perkins Career and Technical Education Act of 2006, Report to Congress on State Performance, Program Year 2008–09*, Washington, D.C., 2012.

<sup>58</sup> States were only required to report on the core indicators of performance that are related to ESEA reporting requirements: secondary academic attainment and graduation rates.

<sup>59</sup> The ten states were Alabama, Arizona, Hawaii, Idaho, Kansas, Montana, Nebraska North Carolina, Ohio, and Virginia.

<sup>60</sup> The 17 states were Connecticut, Florida, Illinois, Kentucky, Maryland, Minnesota, New Jersey, New Mexico, New York, North Dakota, Oregon, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming.

<sup>61</sup> The 14 states were Arizona, Colorado, District of Columbia, Hawaii, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New Hampshire, Ohio, South Carolina, Tennessee, and Wisconsin.

<sup>62</sup> The 15 states were Arkansas, California, Florida, Georgia, Indiana, Massachusetts, Montana, Nevada, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Utah, and Virginia.