

Strengthening Career and Technical Education for the 21st Century Act (Perkins V) Provisions Related to Equity in CTE



Updated 10/15/18 by Mimi Lufkin, CEO Emerita

The information below contains a summary of changes to the equity provisions from Perkins IV to Perkins V, which was signed into law on July 31, 2018. Additional resources on Perkins V can be accessed from www.napequity.org/perkinsv.

Section 3 – Definitions

- CTE Concentrator.—The term ‘CTE concentrator’ means—
 - at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study; and—
 - at the postsecondary level, a student enrolled in an eligible recipient who has—
 - earned at least 12 credits within a career and technical education program or program of study; or
 - completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.
- Retains current definitions for Individual with a Disability
- Makes a slight change to the definition for nontraditional fields
 - Changes including to such as - ...fields of work, such as careers in computer science, technology, and other current and
- Adds a description of supportive personnel to the support services definition
 - ...services related to curriculum modification, equipment modification, classroom modification, supportive personnel (including paraprofessionals and specialized instructional support personnel), and instructional aids and devices.
- Changes Displaced Homemaker definition to Out-of-Workforce Individuals
 - The term out-of-workforce individual means –
 - An individual who is a displaced homemaker, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or
 - An individual who-
 - Has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or
 - Is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and
 - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- Changes Limited English Proficiency (LEP) definition to English Learner, which includes
 - a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary School Act of 1965 (20 U.S.C. 7801); or
 - an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—
 - whose native language is a language other than English; or
 - who lives in a family environment in which a language other than English is the dominant language.

- Special population definition-
 - Adds homeless individuals; youth who are in, or have aged out of, the foster care system; and youth with an active military parent to the special populations definition
 - Modifies individuals from economically disadvantaged families, including low income youth and adults;
 - Replaces displaced homemaker with out-of-workforce individuals
 - maintains the other four members (students with disabilities, single parents, students preparing for nontraditional fields and English Learners)
- Adds Universal Design for Learning.—The term ‘universal design for learning’ means a scientifically valid framework for guiding educational practice that—
 - provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and
 - reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.” (From HEA)

Section 112 – Within State Allocation

- Increases reserve fund from 10% to 15% to be used in:
 - Rural areas
 - Areas with high percentages of CTE concentrators or CTE participants
 - Areas with high numbers of CTE concentrators or CTE participants; and
 - Areas with disparities or gaps in performance as described in section 113(b)(3)(C)ii(II) (*equity gap analysis*); and
 - adds 2 purposes, one being “in order to—(A) foster innovation through the identification and promotion of promising and proven career and technical education programs, practices, and strategies, which may include programs, practices and strategies that prepare individuals for nontraditional fields
- Increases fund for serving individuals in State institutions from 1% to 2% and adds juvenile justice facilities; and adds educational to modify the description of institutions that serve students with disabilities
- Retains State Leadership set-aside for services that prepare individuals for nontraditional fields of \$60,000 - \$150,000. This continues to not limit state’s ability to use state leadership funds to support LEA’s programming for increasing concentrators in nontraditional CTE under the special populations provisions.
- Adds set-aside for recruiting special populations to enroll in CTE of not less than .1% of the State Leadership funds or \$50,000, whichever is less. (.1% of the state leadership funds would be \$498 for North Dakota and \$14,000 for California using the 2018 state allocation) This is a floor for the amount of funds to be used for this purpose. States could use more.

Section 113 – Accountability

- Changes the nontraditional measure at the secondary and postsecondary level to: “The percentage of CTE concentrators in career and technical education programs and programs of study that lead to nontraditional fields”.
- Repeals the requirement for states to negotiate performance measures with the Secretary. States set their own measures and include them in the State Plan. Secretary has the authority to disapprove a State Plan if measures are not rigorous enough.
- Retains the requirement for locals to negotiate performance measures with the State or accept the State determined levels of performance.
- Sets six requirements for the State determined levels of performance that includes:
 - Require the State to continually make meaningful progress toward improving the performance of all CTE students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the ESEA of 1965, and special populations
 - Be higher than the average actual performance of the 2 most recently completed program years

- Data disaggregation required for race, gender, economically disadvantaged, youth who are in or have aged out of the foster care system, students with disability, English learners, migrant students, homeless students, student with a parent in the active military, single parents, out-of-work individuals, and students pursuing nontraditional careers.
- State and local report includes
 - The actual levels of performance for all CTE concentrators; for each of the disaggregated subgroups; and by CTE program or career cluster if not practical.
 - Identify and quantify any disparities or gaps in performance on the State determined levels of performance between any subgroup and the performance of all CTE concentrators

Section 114 – National Activities

- Adds individuals with expertise in addressing inequities in access to, and in opportunities for academic and technical skill attainment and representatives of special populations to the national independent advisory panel that advises the Secretary on the National Evaluation of CTE.
- Increases oversight of the Institute of Education Sciences on the national evaluation of CTE
- Eliminates the national research center
- Includes a new Innovation and Modernization Grant –
 - Not more than 20% of the appropriation for National Programs
 - Funds consortia of at least 2 institutions
 - 50% matching requirement
 - Funds must benefit students, including special populations
 - 12 uses of funds including: professional development to improve instruction and provide appropriate accommodations to special populations; improve CTE concentrator employment outcomes in nontraditional fields; provide integrated student support for special populations;
 - Evaluation disaggregates data results by race, gender, migrant status, special populations and program
 - Priority to applications from entities that will predominantly serve students from low-income families

Section 118 -- Occupational and Employment Information

- Eliminates the whole section

Section 121 – State Administration

- No significant changes

Section 122 – State Plan

- State plan reduced from 6 year plan to a 4 year plan (aligned with WIOA)
- Combined plan with WIOA or single State plan
- Develop the state plan in consultation with –
 - Representatives of minority-serving institutions and HBCUs and tribally controlled colleges or universities
 - Members and representative of special populations
 - Representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth
 - Representatives of Indian Tribes and Tribal organizations
 - Individuals with disabilities

- Simplifies plan contents from 20 items to 14 items –
 - the State’s strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in-demand industry sectors and occupations as identified by the State, and how the State’s career and technical education programs will help to meet these goals
 - expand access to CTE for special populations
 - make information on approved programs of study and career pathways and guidance and advisement resources available to special populations, provided in a language students, parents, and educators can understand
 - ensure equal access to activities assisted under this Act for special populations
 - improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations
 - support professional development that provides the knowledge and skills needed to work with and improve instruction for special populations
 - description of program strategies for special populations that provides
 - equal access
 - to not be discriminated against
 - meeting or exceeding State determined levels of performance , preparing for further learning, and for employment
 - appropriate accommodations
 - instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment
 - description of how the eligible agency will address disparities or gaps in performance in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps.
 - provide assurances that the eligible agency will use the funds to
 - promote preparation for high-skill, high-wage, or in-demand occupations and nontraditional fields;
 - implement career and technical education programs and programs of study for individuals in State correctional institutions, including juvenile justice facilities
 - provide technical assistance on how to close gaps in student participation and performance in CTE programs
- The Secretary has the authority to disapprove State plans within 120 days of receipt if the plan does not meet the requirements of the Act

Section 123 – Improvement Plans

- Retains 90% performance as the threshold before improvement plans are immediately triggered
- Requires states and locals to include an analysis of the performance disparities or gaps and actions that will be taken to address such gaps.
- Retains sanctions at the state and local level after failure to implement an improvement plan or failure to meet at least 90% of a State determined level of performance for any core indicator for 2 consecutive years after being identified for improvement. This makes the timeline for sanctions the same as in Perkins IV – 3 years failing to meet at least 90% of the state determined level of performance on any core indicator.
- Agency shall not be eligible to adjust performance levels while executing an improvement plan

Section 124 – State Leadership Activities

- Can be provided directly or through a grant process
- 5 required uses of funds-
 - Retains “providing preparation for non-traditional fields in current and emerging professions, and other activities that expose students, including special populations, to high skill, high wage and in demand occupations.”
 - serving individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities
 - recruiting, preparing, or retaining CTE teachers, faculty, specialized instructional support personnel, or paraprofessionals, such as preservice, professional development, or leadership development programs
 - technical assistance
 - reporting on the effectiveness of the funds in reducing disparities or performance gaps
- Permissible uses of funds include
 - Professional development on how to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support
 - Supporting the elimination of inequities in student access to high quality programs of study and effective educators
 - awarding incentive grants for
 - Exemplary performance by eligible recipients exceeding the local adjusted level of performance established under section 113(b)(4)(A) in a manner that reflects sustained or significant improvement
 - eligible recipient’ progress in closing achievement gaps among subpopulations who participate in programs of study
 - providing career and technical education services for adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting
 - support for programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science), particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations
 - support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations

Section 134 – Local Application for CTE Programs

- contain a description of the results of the comprehensive needs assessment and how special populations will learn about CTE course offerings and whether each course is part of a CTE program of study
- information on approved programs of study including a description of how the eligible recipient will—provide activities to prepare special populations for high skill, high wage, or in-demand occupations that will lead to self-sufficiency; prepare CTE participants for nontraditional fields; provide equal access for special populations and ensure that special populations are not discriminated against.
- A description of how the eligible recipient will address disparities or gaps in performance in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions to be taken to eliminate those disparities or gaps.
- conduct a comprehensive needs assessment every two years, that shall include
 - an evaluation of the performance of the students served by the eligible recipient with respect to State and local adjusted levels of performance established pursuant to section 113, including:
 - an evaluation of strategies needed to overcome barriers that result in lowering rates of access to, or performance gaps in, the courses and programs for special populations

- providing programs that are designed to enable special populations to meet the local levels of performance
- providing activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations in competitive, integrated settings that will lead to self-sufficiency.
- consulting with representatives of special populations and representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth, and representatives of Indian Tribes and Tribal organizations in conducting the needs assessment

Section 135 – Local Uses of Funds

- 6 Required uses of funds, 5 include activities related to equity -
 - Career exploration and career development for students, including middle school students, which may include
 - Introductory courses or activities focused on career exploration and career awareness, including nontraditional fields to students including in the middle grades (starting in Grade 5)
 - Any other activity that advances knowledge or career opportunities and assists students in making informed decisions about future education and employment goals, including nontraditional fields
 - provide professional development for teachers, principals, school leaders, administrators, and career and guidance counselors, or paraprofessionals, which may include -
 - supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs
 - opportunities to advance knowledge, skills and understanding in pedagogical practices
 - provide appropriate accommodations for individuals with disabilities
 - frameworks to effectively teach students, including a particular focus on students with disabilities and English learners, which may include universal design for learning, multi-tier systems of supports and positive behavioral interventions and support
 - provide within CTE the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations.
 - plan and carry out elements that support the implementation of programs of study and student achievement of the local adjusted levels of performance established under section 113, which may include—
 - initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act;
 - supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science) for students who are members of groups underrepresented in such subject fields
 - providing CTE, in a school or other educational setting for adults or out-of-school youth to complete secondary school education or upgrade technical skills;
 - support to reduce or eliminate out-of-pocket expenses for special populations participating in CTE, including those participating in dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges for those special populations
 - develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment and the local report
- Allows for pooling of funds to implement programs of study
- Administrative costs capped at 5% as in current law

Section 211 – Fiscal Requirements

- Maintenance of effort reduced from 100% to 90%
- MOE computed excluding competitive or incentive-based programs, capital expenditures, special one-time project costs and cost of pilot programs
- The Secretary shall reduce funds in exact proportion for failing to meet MOE
- The Secretary may waive the funds reduction due to exceptional or uncontrollable circumstances

Section 219 – Study on Programs of Study Aligned to High-Skill, High-Wage Occupations

- GAO study to evaluate the strategies, components, policies, and practices used by eligible agencies or eligible recipients receiving funding under this Act to successfully assist—
 - all students in pursuing and completing programs of study aligned to high-skill, high-wage occupations; and
 - any specific subgroup of students (race, gender, economically disadvantaged, students with disabilities, English Learners, migrants, homeless, foster child, child of an active military parent) in pursuing and completing programs of study aligned to high-skill, high-wage occupations in fields in which such subgroup is underrepresented; and
 - any challenges associated with replication of such strategies, components, policies, and practices
- Study conducted under consultation with
 - students and parents;
 - eligible agencies and eligible recipients;
 - teachers, specialized instructional support personnel, and paraprofessionals, including those with expertise in preparing CTE students for nontraditional fields;
 - special populations; and
 - representatives of business and industry
- Study submitted to House Ed and Workforce Committee and the Senate HELP Committee

Watch for additional resources on the NAPE Perkins V webpage (www.napequity.org/perkinsv.) If you have questions, need technical assistance, or if you are interested in professional development, please contact us at nape@napequity.org.