



# An Advocate's Guide to the Carl D. Perkins Career and Technical Education Act of 2006





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Carl. D Perkins Career and Technical  
Education Improvement Act of 2006

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1625 K Street NW, Suite 300  
Washington, DC 20006  
(202) 467-6346 / (202) 467-5366 *fax*

[www.womenwork.org](http://www.womenwork.org)

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Women Work! The National Network for Women's Employment is a nonprofit, nonpartisan organization that advances economic justice and equality for women through education, advocacy and organizing. Since 1978, the Network has assisted more than 10 million women to successfully enter, re-enter and advance in the workforce. Through supporting, advocating and increasing women's economic self-sufficiency, Women Work! members strengthen families and communities. For more information visit [www.womenwork.org](http://www.womenwork.org).

# Introduction

On August 12, 2006 the Carl D. Perkins Career and Technical Education Improvement Act of 2006 became law, renewing \$1.3 billion in grants for career and technical education programs across the country. The passage of new Perkins legislation marked a significant victory for the Women Work! network and gender equity advocates across the country. This latest reauthorization (known as Perkins IV) takes several positive steps to ensure that women in transition have greater access to the career education system.

The 1998 reauthorization of Perkins (Perkins III) eliminated the statewide “gender equity set-asides” that funded programs for single parents, displaced homemakers and non-traditional training for women. As a result, many programs were forced to shut their doors, despite the millions of women and girls still in need of assistance. Reports from women enrolled in career and technical education programs showed a drastic decrease in services such as training, transportation, tuition assistance, and child care. Although Congress was not willing to completely make up for lost ground by restoring the set-asides, the newest Perkins legislation (Perkins IV) has considerable potential to put these programs back on the right track.

- Perkins IV requires Perkins recipients to spend funding on programs that help single parents, displaced homemakers, and women training for non-traditional occupations succeed in career and technical education, and ultimately in obtaining high-skill, high-wage employment. Previously, Perkins III allowed schools and community colleges to provide programs for special populations, but it didn’t actually obligate them to do so. This change from the previous version of the law will increase opportunities for women to enter and advance in a wide range of employment sectors including those occupations typically dominated by men.
- Perkins IV clarifies State and local flexibility to determine whether Perkins funds are spent directly on supportive services, which are critical to ensuring the full participation of women and girls in career and technical education.
- Perkins IV incorporates a new focus on self-sufficiency that will allow states and localities the opportunity to meet local programming and community needs while leading their students toward the goal of economic independence.

Despite these many victories, our work to strengthen the career and technical education system for women in transition is far from complete. As states, school districts, and local institutions begin planning and implementation, it is vital that supporters of economic self-sufficiency for women remain active, vocal participants. We hope you will find this guide helpful as you embark on the next phase in your advocacy.

# How to Use This Guide

Women Work!'s **Advocate's Guide to the Carl. D Perkins Career and Technical Education Improvement Act of 2006** is designed to give you a brief but useful understanding of the most recent Perkins law (Perkins IV).

The Guide highlights major changes contained in Perkins IV and provides basic information on the most important aspects of the law for women.

Please remember that this guide was created to provide a basic understanding of the key provisions for women in Perkins IV. The information presented in the guide is not legal advice and should not be used as a legal resource.

For your convenience, the following symbols are included throughout the guide to help you identify key information:



When you see the computer symbol, it indicates a website you might find helpful for more information.



When you see the Action Tip symbol, it indicates opportunities created by Perkins IV for advocates to strengthen access to career and technical education for women in transition.



When you see the New symbol it indicates a change or new provision in Perkins IV.

In addition, section numbers at the beginning of segment designate where provisions can be found in the full text of the Perkins law:

## State Administration (Sec. 121)

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The complete text of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 is available online through the Women Work! website at [www.womenwork.org](http://www.womenwork.org), or through the Library of Congress.

The Library of Congress' legislative website address is: <http://thomas.loc.gov>

Click on Public Laws for the 109<sup>th</sup> Congress, then go to Pub.L. 109-270.

# Overview

## Definitions

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Definitions included are:

- Displaced homemaker
- Non-traditional occupations
- Special populations (including displaced homemakers, single parents, single pregnant women and individuals training for non-traditional occupations).

## State Funding and Administration

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- 85 percent to local institutions
  - ▶ Option to reserve 10 percent for certain eligible recipients (may be used to fund non-traditional training and/or special populations programs)
- 10 percent for State Leadership Activities
  - ▶ \$60,000 to \$150,000 must be used for non-traditional training activities
- 5 percent for State Administration
- States have option to consolidate Tech Prep program

## State Plan

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- Required involvement of groups representing special populations
- Required descriptions of:
  - ▶ How special populations – including displaced homemakers, single parents, single pregnant women and individuals training for non-traditional occupations – will be served.
  - ▶ How non-traditional training activities will be conducted.

- ▶ How professional development activities will improve services for special populations.

## State Leadership Activities

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- Must support programs for special populations, including displaced homemakers, single parents, single pregnant women and individuals training for non-traditional occupations.
- Must provide preparation for non-traditional fields in current or emerging professions, and other activities that expose students, including special populations, to high skill, high wage occupations.
- Required to provide professional development programs and technical assistance to local recipients.

## Local Plan

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- Local institutions must describe how they will:
  - ▶ Identify and adopt strategies to overcome barriers to access and success for special populations.
  - ▶ Provide programs that help special populations meet local levels of performance.
  - ▶ Ensure that members of special populations will not be discriminated against.
  - ▶ Use funds to promote preparation for non-traditional training and employment.
  - ▶ Provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that lead to self-sufficiency

## Local Use of Funds

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- Local institutions are required to use funds to provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that lead to self-sufficiency.

## Accountability

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- New accountability system applies to local institutions, as well as States.
- Core indicators of performance for the postsecondary and secondary level include preparation for non-traditional fields.
- The attainment of self-sufficiency is suggested as an optional core indicator.
- States and locals must disaggregate data by gender, race, and special population categories and report on disparities between groups of students.

## Supportive Services

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- Report language accompanying law clarifies States' flexibility to use Perkins funds directly on supportive services.

# Purpose and Definitions

## Purpose (Sec. 2)

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The new law adds two entirely new purposes and expands the four purposes included in Perkins III. The expanded purposes now emphasize preparation for “high skill,” “high wage,” or “high demand” occupations – a concept which is threaded throughout the new Perkins legislation.

### Perkins Act Excerpt

*The purpose of this Act is to develop more fully the academic and career and technical skills of ... students who elect to enroll in career and technical education programs by –*

*(1) building on the efforts of States and localities to develop challenging academic and technical standards **and to assist students in meeting such standards, including preparation for high skill, high wage, or high demand occupations in current or emerging professions;***



The phrase “high skill, high wage, or high demand occupations” is not defined in Perkins IV – but is used throughout the legislation. In many cases, “high skill, high wage, or high demand” jobs may be non-traditional for women and advocates should ensure that the new focus on these occupations also works to increase investment in non-traditional training opportunities.



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Advocates should work with decision-makers to define the concept in their state and ensure that career and technical education programs increase their focus on preparing students for employment that pays family-supporting wages and advances economic security.

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## Definitions (Sec. 3)

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The law includes definitions for 34 terms, several of which are of particular importance to advocates of women’s economic equity. Many of the definitions are unchanged, or only slightly changed, from the 1998 law.

## *Displaced Homemaker*

There is no change to the definition of “displaced homemaker” under Perkins IV.

Perkins Act Excerpt	
(10)	<i>The term ‘displaced homemaker’ means an individual who —</i>
(A)	<i>(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;</i>
	<i>(ii) has been dependent on the income of another family member but is no longer supported by that income; or</i>
	<i>(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under Temporary Assistance to Needy Families (TANF) not later than 2 years after the date on which the parent applies for vocational educational assistance.</i>
(B)	<i>is unemployed or underemployed and is experiencing difficulty obtaining or upgrading employment.</i>

## *Non-Traditional Fields*

‘Non-traditional fields’ replaces the term ‘non-traditional training and employment’ in the 1998 law. However, there is no change in meaning.

Perkins Act Excerpt	
(20)	<i>The term ‘non-traditional fields’ means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.</i>

## *Special Populations*

For the most part, the definition for special populations has remained the same. However, the last category in the 1998 law, "individuals with other barriers to educational attainment," has been eliminated.

## Perkins Act Excerpt

(29)–The term ‘special populations’ means –

- (A) individuals with disabilities;
- (B) individuals from economically disadvantaged families, including foster children;
- (C) individuals preparing for non-traditional fields;
- (D) single parents, including single pregnant women;
- (E) displaced homemakers; and
- (F) individuals with limited English proficiency

# State Funding and Administration

Perkins IV makes only a few changes to the structure of the Perkins program within States. For the most part, funding distribution and state administration will continue as under the previous Perkins law.

## Distribution of Funding Within States (Sec. 112)

### *State-to-Local Funding*

#### Perkins Act Excerpt

*(a) From the amount allotted to each state for a fiscal year, the State agency shall make available:*

*(1) not less than 85 percent directly to local eligible recipients.*

States are required to pass-through 85 percent of Perkins funding directly to local secondary and postsecondary institutions. This requirement is unchanged from previous law.

Perkins funds are allocated to each local recipient by formula and there is a minimum allocation that an eligible recipient can receive. For postsecondary institutions, funds are distributed based on the institution's share of Pell Grant recipients. The minimum grant for postsecondary recipients is \$50,000. For secondary institutions, the funding formula is based on population and income; the minimum allocation is \$15,000.

## Perkins Act Excerpt

*RESERVE FUND: Of this 85 percent, not more than 10 percent may be reserved by the State to award grants for eligible recipients that are in:*

- (a) rural areas;*
- (b) areas with high percentages of career and technical education students; and*
- (c) areas with high numbers of career and technical education students.*

States still have the option to reserve 10 percent of the funding they are required to distribute to locals for institutions in rural areas or areas with high percentages or numbers of career and technical education students. Perkins IV makes one change to the 10 percent “reserve fund.” Locals are no longer eligible for reserve funds simply because they are in communities negatively impacted by funding changes to the Perkins program in 1998 law.

The 10 percent “reserve fund” continues to allow states to target funding to specific communities, and if they choose, for a special purpose. States can use the “reserve” to provide funding to displaced homemaker/single parent programs and/or to target funds for improving performance on training students for non-traditional employment – as long as the recipients of funds are in rural areas or areas with high percentages or numbers of career and technical education students.

### *State Leadership Funds and Non-Traditional Set-Aside*

## Perkins Act Excerpt

- *From the amount allotted to each state, the State shall make available:*
  - (2) not more than 10 percent to carry out State leadership activities, of which:*
    - B. not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields.*

Perkins IV continues the requirement that States spend \$60,000 to \$150,000 on statewide non-traditional training services. As under previous law, this set-aside is not considered a “cap” on the use of state leadership funds for non-traditional training purposes. States may use additional funds on non-traditional training – especially as part of efforts to meet

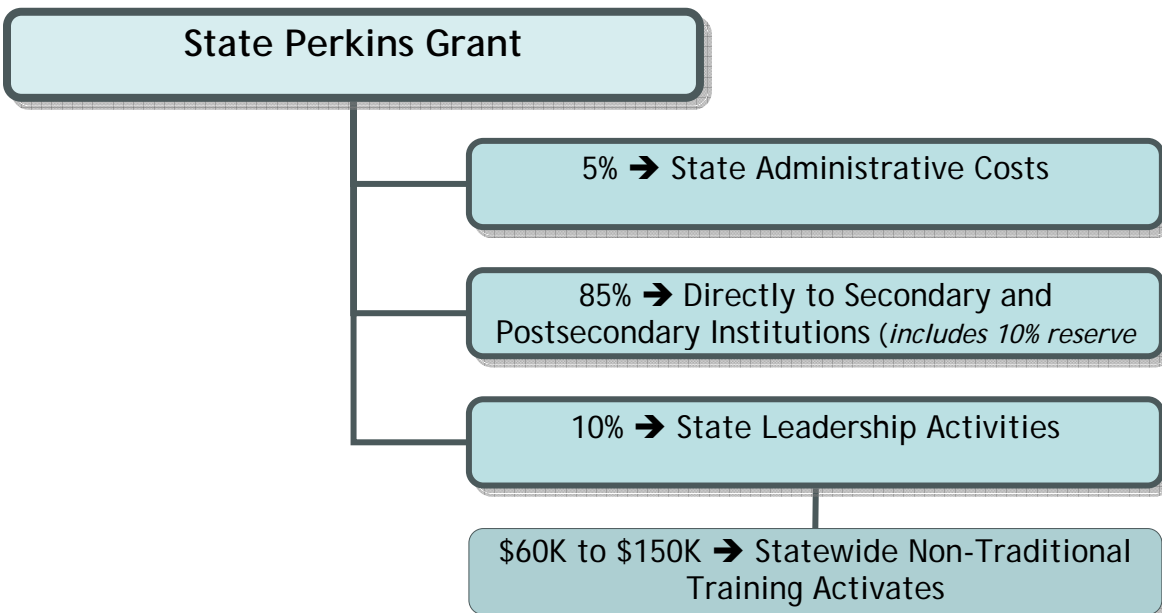
the core performance indicator on non-traditional fields (see page 31 for more information on performance indicators).

### State Administrative Funds

Perkins Act Excerpt
<p>(a) From the amount allotted to each state, the State agency shall make available:</p> <p>(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of –</p> <ul style="list-style-type: none"><li>A. developing the state plan;</li><li>B. reviewing a local plan;</li><li>C. monitoring and evaluating program effectiveness;</li><li>D. assuring compliance with all applicable Federal laws;</li><li>E. providing technical assistance;</li><li>F. supporting and developing State data systems relevant to career and technical education.</li></ul>

As under previous law, the 5 percent (or \$250,000) set aside for administration of the state plan can be used, in part, to support state special populations/non-traditional training staff that perform tasks related to the six areas listed above.

### Within State Funding Allocation



## State Administration (Sec. 121)

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### *Responsibilities of the State*

#### Perkins Act Excerpt

*(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities of the State shall include:*

- (1) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for non-traditional fields.*

Similar to previous law, the provision requires that States employ staff with responsibilities regarding preparation for non-traditional fields. It allows States the option of using State administration funds to support state equity coordinator(s); involving the equity coordinator(s) in the development of the state plan; identifying an equity coordinator(s) to implement any special population or non-traditional activities identified in the state plan; and/or conducting an evaluation of programs, services, and activities being implemented at the state and local level to increase the participation of students in non-traditional fields.<sup>1</sup>

#### Perkins Act Excerpt

*(a) The responsibilities of the State shall include:*

*(2) consultation with:*

- *the Governor and appropriate agencies,*
- *groups, and individuals including:*
  - *parents,*
  - *students,*
  - *teachers,*

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<sup>1</sup> Source: National Alliance for Partnerships in Equity. S. 250 Carl D. Perkins Career and Technical Education Improvement Act of 2006: Analysis of Equity Provisions.

- *teacher and faculty preparation programs,*
- *representatives of businesses (including small businesses),*
- *labor organizations,*
- *eligible recipients,*
- *State and local officials,*
- *and local program administrators*



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This section requires that States consult with other officials, agencies and groups who have a vested interest in how the new Perkins law is implemented. This can and should include Women Work! State Affiliates and other representatives of women's education and job training programs. However, as in the past, State Affiliates must actively initiate becoming part of this process. Do not wait for an invitation!

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## Tech Prep (Sec. 203)

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The Tech Prep program supports math and science classes to prepare high school students for technical colleges. Under previous law, federal Tech Prep funds – which totaled approximately \$105 million in FY2006 – were kept separate from Perkins grants to States.

Perkins IV gives states the option to consolidate all or part of their federal Tech Prep grant with their Perkins grant (Basic State Grant). If States choose to consolidate Tech Prep funds with Perkins funds, these funds must be spent in accordance with Perkins law.

# State Leadership Activities

Like Perkins III, the new Perkins law continues to emphasize State leadership on special populations and non-traditional fields. In addition, Perkins IV makes several significant changes to requirements regarding technical assistance and professional development activities.

## State Leadership Activities (Sec. 124)

### *Required Use of State Funds*

The following requirements relate specifically to displaced homemakers, single parents, and/or individuals preparing for non-traditional fields.

#### Perkins Act Excerpt

*(b) Required Uses of Funds- The State leadership activities described in subsection (a) shall include-*

*(1) an assessment of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met and how the career and technical education programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further education, further training, or for high skill, high wage, or high demand occupations;*

*(5) providing preparation for non-traditional fields in current and emerging professions and other activities that expose students, including special populations, to high skill, high wage occupations;*

*(8) support for programs for special populations that lead to high skill, high wage, or high demand occupations; and*



As the above language suggests, states are expected to play a substantial leadership role in ensuring that special populations and individuals preparing for non-traditional employment are well-served by the career and technical education system.



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Advocates should hold States to this expectation. State investment in these areas should occur in addition to the \$60,000 to \$150,000 required by the non-traditional set-aside.

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### Perkins Act Excerpt

*b) Required Uses of Funds- The State leadership activities described in subsection (a) shall include-*

*(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—*

*(A) provide in-service and preservice training in career and technical education programs—*

***(B) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom, and are not 1-day or short-term workshops or conferences;***

*(C) will help teachers and personnel to improve student achievement in order to meet the State-adjusted levels of performance;*

*(D) will support education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that teachers and personnel –*

*(E) are coordinated with the teacher certification or licensing and professional development activities that the state carries out under other federal laws.*

*(9) technical assistance for eligible recipients.*



### ***Technical Assistance and Professional Development***

Perkins IV increases States' mandate to provide technical assistance to career and technical education programs and professional development for career and technical education teachers, faculty, administrators, and career guidance and academic counselors.

The provision of technical assistance, which was permissible under Perkins III, is required under Perkins IV.

In addition, Perkins IV lays out much more specific criteria regarding activities that count as professional development. States' professional development programs must be sustained, intensive efforts, rather than short-term workshops. States are required to describe these professional development activities in detail in their State plan – including a description of how States will provide professional development that “provides the knowledge and skills needed to work with and improve instruction for special populations.” (See pages 22 – 23 of this guide for more information on State Plans.)



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Advocates should use these expanded requirements as an opportunity to push for additional technical assistance and professional development to improve the quality of career and technical education services for women and girls.

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# State Plans

## State Plan (Sec. 122)

Initial State plans under the new law are due to the Department of Education on April 16, 2007. States have three options with regards to submitting their plans. They can submit a full six-year plan, a one-year transition plan, or a unified plan that combines Perkins and Workforce Investment Act planning.

Transition plans will cover the 2007-2008 school year (beginning July 1, 2007). States who opt to submit transition plans will submit full five-year plans in the spring of 2008. These plans will become effective July 1, 2008 and cover the remaining time under the authorization of the law.

As under previous law, the Secretary of Education has 90 days to approve a State plan, once submitted. After the second year of the plan, States must conduct a review of activities and submit any necessary revisions. In following years, States may submit annual revisions of the State plan to the Department of Education as the State determines to be necessary.

### *Consultation*

#### Perkins Act Excerpt

*b) Plan Development-*

*(1) IN GENERAL- The eligible agency shall—*

*(A) develop the State plan in consultation with—*

*(i) academic and career and technical education teachers, faculty, and administrators;*

*(ii) career guidance and academic counselors;*

*(iii) eligible recipients; (community colleges, school districts, and other institutions)*

*(iv) charter school authorizers and organizers consistent with State law;*

*(v) parents and students;*

*(vi) institutions of higher education;*

*(vii) the State tech prep coordinator and representatives of tech prep consortia (if applicable);*

*(viii) State Workforce Investment Boards;*

*(ix) interested community members (including parent and community organizations);*

*(x) representatives of special populations;*

*(xi) representatives of business and industry (including representatives of small business); and*

*(xii) representatives of labor organizations in the State; and*

*(B) consult the Governor of the State with respect to such development.*

*(2) ACTIVITIES AND PROCEDURES- The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals and entities described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.*



When developing the plan, the state is required by law to consult with specific groups – including groups that represent special populations. This provision supports gender equity advocates’ and women’s service providers’ claim to be included in the planning at the state level. However, advocates will need to work actively to initiate participation in the planning process if they are to make an impact. Women Work! State Affiliates should especially take advantage of this opportunity and push to be included in the State planning process.

## *Hearing Process*

### **Perkins Act Excerpt**

*(3) HEARING PROCESS- The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including charter school authorizers and organizers consistent with State law, employers, labor organizations, parents, students, and community organizations), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency's response to such recommendations shall be included in the State plan.*

As under Perkins III, the new law requires States to conduct hearings at which the public can present their views and make recommendations regarding the State plan. A summary of these recommendations and the State's response to them must be included in the State plan.




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Advocates should learn when and where public hearings will be held and use this opportunity to ensure their opinions are heard.

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### Plan Contents

Perkins IV includes 20 specific items that States must address in the plans they submit to the U.S. Department of Education. Listed below are those items most relevant to gender equity issues.

Perkins Act Excerpt	
<p>(c) <i>Plan Contents</i>— The State plan shall include information that—</p> <p>(1) <i>describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—</i></p> <p>(G) <i>how programs at the secondary level will prepare career and technical education students, <b>including special populations</b>, to graduate from secondary school with a diploma;</i></p> <p>(H) <i>how such programs will prepare career and technical education students, <b>including special populations</b>, academically and technically for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in current or emerging occupations, and how participating students will be made aware of such opportunities;</i></p> <p>(I) <i>how funds will be used to improve or develop new career and technical education courses—</i></p> <p>(iii) <i>that lead to employment in high skill, high wage, or high demand occupations;</i></p> <p>(2) <i>describes how comprehensive professional development (including initial teacher preparation and activities that support recruitment) for career and technical education teachers, faculty, administrators, and career guidance and academic counselors will be provided, especially professional development that—</i></p> <p>(E) <i>provides the knowledge and skills needed to work with and improve instruction for special populations;</i></p>	

*(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—*

*(A) will be provided with equal access to activities assisted under this Act;*

*(B) will not be discriminated against on the basis of their status as members of the special populations; and*

*(C) will be provided with programs designed to enable the special populations to meet or exceed State-adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;*

*(13) describes how the eligible agency will report data relating to students participating in career and technical education in order to adequately measure the progress of the students, including special populations, and how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable;*

*(15) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;*

*(18) describes how funds will be used to promote preparation for **high skill, high wage, or high demand occupations** and non-traditional fields;*



As under Perkins III, states are required to describe what activities will be supported and how these activities will help the state meet or exceed its levels of performance; how professional development will be provided; how various individuals will be involved in the planning and implementation of career and technical education; how the skills of career and technical education students will be improved; how programs will be annually evaluated; and how members of “special populations” will be served.

Requirements for several items have been expanded from previous law and include additional emphasis on services to special populations and on preparing students for non-traditional and high skill, high wage, or high demand occupations.



*The Department of Education has released guidance which proposes that States not be required to include some items in one-year transition plans. This guidance will not be finalized until January 31, 2007. The proposed guidance is available on Women Work!'s website at [www.womenwork.org](http://www.womenwork.org).*

## Programs of Study

### Perkins Act Excerpt

(c) **PLAN CONTENTS.**—*The State plan shall include information that—*

*(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—*

*(A) the career and technical programs of study, which may be adopted by local educational agencies and postsecondary institutions to be offered as an option to students (and their parents as appropriate) when planning for and completing future coursework, for career and technical content areas that—*

*(i) incorporate secondary education and postsecondary education elements;*

*(ii) 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 education with postsecondary education to adequately prepare students to succeed in postsecondary education;*

*(iii) may include the opportunity for secondary education students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and*

*(iv) lead to an industry-recognized credential or certificate at the postsecondary level, or an associate or baccalaureate degree;*

*(iii) identify and address current or emerging occupational opportunities;*

*(B) how the eligible agency, in consultation with eligible recipients, will develop and implement the career and technical programs of study described in subparagraph (A);*

*(D) how the eligible agency will make available information about career and technical programs of study offered by eligible recipients;*



The new Perkins law requires States to develop “programs of study” in consultation with local institutions and to describe these programs of study in their State plans. Similar to career pathways, programs of study guide students on specific career paths from secondary through postsecondary education and into the workforce. Programs of study are intended to identify and address current or emerging occupational opportunities.

Every local institution that receives Perkins funds must offer at least one program of study.



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Advocates should work at the state and local level to ensure that programs of study are designed in ways that increase opportunities for non-traditional training and help women in transition to advance toward economic self-sufficiency.

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# Local Plans

Like Perkins III, Perkins IV requires local community colleges, school districts, and other institutions or consortia of institutions desiring Perkins funds to submit a local plan to the State. Local plans cover the same time period as the relevant State plan.

## Local Plan (Sec. 134)

### Plan Contents

#### Perkins Act Excerpt

*(b) Contents- The eligible agency shall determine the requirements for local plans, except that each local plan shall—*

*(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;*

*(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;*

*(8) describe how the eligible recipient will—*

*(A) review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations;*

*(B) provide programs that are designed to enable the special populations to meet the **local adjusted levels of performance**; and*

*(C) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations that will lead to self-sufficiency;*

*(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;*

*(10) describe how funds will be used to promote preparation for non-traditional fields;*



Under Perkins III, local institutions submitted plans to the State which included several pieces of information about how special populations would be served and non-traditional training would be provided, including descriptions of how they will provide programs designed to enable special populations to meet levels of performance and how funds will be used to promote preparation for non-traditional fields.

In addition to continuing these requirements, Perkins IV includes a new and extremely positive requirement for local plans. Local institutions applying for Perkins funding must describe how they will provide activities to prepare special populations for high skill, high wage, or high demand occupations that will lead to self-sufficiency. Special populations include:

- 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



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Advocates who operate local programs for single parent, displaced homemakers and/or individuals training for non-traditional occupations programs should ensure that their program and the services they provide are included under this item in the local plan.

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## Consultation

Perkins Act Excerpt
<p><i>(b) Contents- The eligible agency shall determine the requirements for local plans, except that each local plan shall—</i></p> <p><i>(5) describe how the following individuals and organizations are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title, including career and technical programs of study:</i></p> <ul style="list-style-type: none"><li>▪ <i>parents,</i></li><li>▪ <i>students,</i></li><li>▪ <i>academic and career and technical education teachers,</i></li><li>▪ <i>faculty,</i></li></ul>

- *administrators,*
- *career guidance and academic counselors,*
- *representatives of tech prep consortia (if applicable),*
- *representatives of local Workforce Investment Boards,*
- *representatives of business (including small business) and industry,*
- *labor organizations,*
- ***representatives of special populations,***
- *and other interested individuals*



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This provision gives gender equity advocates and providers of services to special populations the right to be active participants in the development and implementation of the local plan. Because of the new requirement that local plans describe activities for special populations, it is more crucial than ever before that gender equity advocates and service providers for women become involved in the local planning process. However, such involvement must be assertively initiated by gender equity advocates.

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# Requirements for Local Institutions

## Local Uses of Funds (Sec. 135)

### *Required Use of Funds*

#### Perkins Act Excerpt

*(b) Requirements for Uses of Funds- Funds made available to eligible recipients under this part shall be used to support career and technical education programs that–*

*(9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.*



The new Perkins law **requires** local recipients of Perkins dollars to use funds for programs that help special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs and individuals preparing for non-traditional fields, as well as individuals with disabilities, low-income individuals, and individuals with limited English proficiency.

Under Perkins III, providing programs to special populations was included as a permissible use of local funds. Local recipients *could* spend Perkins funding on programs for special populations, and many did – but they weren't *required* to do so.

The language used in the new requirement, “provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage or high demand occupations that will lead to self-sufficiency,” is identical to the language used in the local plan requirements. Locals must describe activities for special populations in the plans they submit to the state and then must use funds to ensure that these activities are supported. Advocates should take advantage of this strong language to ensure that programs for displaced homemakers, single parents and students training for non-traditional occupations are fully supported at the local level.

Unfortunately, the new law does not go so far as to reinstate the gender equity set-asides or provide a guaranteed funding stream for displaced homemakers and single parents. Perkins III shifted the responsibility for supporting displaced homemaker, single parent,

and non-traditional programs from the state level to the local institutional level, and Perkins IV continues this devolution. Funding from programs will continue to come from local institutions, not the state. (State funds may be used for specific projects, but operating support is likely to come from local funds.) Further, decisions about *how much* funding will be provided for special populations and which programs will receive the funding, will likely be at the discretion of each local recipient. Again, this means that advocates will need to actively influence the local planning process to ensure that the needs of women in transition and other special populations will be adequately addressed.

# Accountability & Reporting Requirements

Many of the most extensive changes created by the new law relate to the Perkins accountability system. The new accountability system will apply to local programs and to States; under Perkins III, accountability requirements applied primarily to States.

Also, Perkins IV requires States and locals to report on separate accountability indicators for secondary and postsecondary students. Perkins III required States to report on the same four performance indicators for all students.

For each of the core indicators, States and local programs must develop objective, quantifiable, and measurable target performance levels and submit these performance levels as part of their State and local plans, respectively. States and locals must show improvement on performance levels each year.

As under the previous law, Perkins IV requires States to negotiate proposed performance levels with the Department of Education. States will negotiate performance levels for the first two program years covered by the State plan and then for the third and fifth year.

Local programs can choose to use the adjusted levels of performance set by the State, or they can negotiate with the State to establish different performance measures (in a process similar to how the State negotiates performance measures with the U.S. Department of Education).

## Accountability (Sec. 113)

### *Postsecondary Indicators*

#### Perkins Act Excerpt

*(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL.*

*Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:*

- (i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards, if available and appropriate.*
- (ii) Student attainment of an industry-recognized credential, a certificate, or a degree.*



- (iii) *Student retention in postsecondary education or transfer to a baccalaureate degree program.*
- (iv) *Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.*

Although several significant changes have been made to performance indicators on the postsecondary level, the core indicator on non-traditional training remains intact. State and local efforts to satisfy this indicator should result in a significant focus on non-traditional training in every State and local institution. Advocates are encouraged to make the case for additional resources and services for non-traditional training by clearly demonstrating how these resources improve State and local performance on this core indicator.

## *Secondary Indicators*

### Perkins Act Excerpt

***(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.***

*Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:*

- (i) *Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State under No Child Left Behind and measured by State academic assessments used for No Child Left Behind.*
- (ii) *Student attainment of career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards, if available and appropriate.*
- (iii) *Student rates of attainment of each of the following:*
  - (I) *A secondary school diploma.*



*(II) A General Education Development (GED) credential, or other State-recognized equivalent.*

*(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).*

*(iv) Student graduation rates.*

*(v) Student placement in postsecondary education or advanced training, in military service, or in employment.*

*(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.*

Again, although several changes have been made to performance indicators at the secondary level, the core indicator on non-traditional employment is unchanged from Perkins III.

### ***Optional Indicator - Self-Sufficiency***

#### **Perkins Act Excerpt**

***(C) OPTIONAL INDICATORS OF PERFORMANCE***

*An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, **such as attainment of self-sufficiency.***



As under previous law, States have the option of developing additional performance indicators. Perkins IV specifically names the “attainment of self-sufficiency” as an optional indicator. Self-sufficiency is the only additional indicator suggested in the law.

“Self-sufficiency” is referenced in two additional places in Perkins IV; both the new required local use of funds and local plan requirements for special populations refer to preparing these populations for occupations that lead to “self-sufficiency.”

Although self-sufficiency is not defined in the law itself, it is defined in accompanying report language as a “standard of economic independence that considers a variety of demographic and geographic factors, as adopted calculated, or commissioned by a local

area or state.” This definition is very similar to the concept of “self-sufficiency” used by the Family Economic Self-Sufficiency (FESS) project. The FESS project has developed self-sufficiency standards in 36 states. To learn more about FESS visit:



<http://www.sixstrategies.org/about/about.cfm>



Advocates should urge States and local recipients to adopt self-sufficiency as an additional performance indicator. Doing so will help to encourage investment in local services to special populations and increase States’ focus on economic independence and preparing students for jobs that pay better wages.

## Data Dissaggregation

### Local

#### Perkins Act Excerpt

(i) *CONTENT OF REPORT- Each eligible recipient that receives an allocation described in section 112 shall annually prepare and submit to the eligible agency a report, which shall include the data described in clause (ii)(I), regarding the progress of such recipient in achieving the local adjusted levels of performance on the core indicators of performance.*

(ii) **DATA-**

**(I) Local recipients of Perkins funding shall disaggregate data by the following special populations:**

- *Race/ethnicity*
- *Gender*
- *Individuals with disabilities*
- *Migrants*
- *Individuals with limited English proficiency*
- *Individuals from economically disadvantaged families; including foster children*
- *Displaced homemakers*
- *Individuals preparing for non-traditional fields*

**(II) And, identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served.**



## State

### Perkins Act Excerpt

*(1) IN GENERAL- Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding–*

*(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and*

*(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.*

*(2) DATA- Except as provided in paragraphs (3) and (4), each eligible agency that receive an allotment under section 111 or 201 shall–*

*(A) disaggregate data by the following populations:*

- *Race/ethnicity*
- *Gender*
- *Individuals with disabilities*
- *Migrants*
- *Individuals with limited English proficiency*
- *Individuals from economically disadvantaged families; including foster children*
- *Displaced homemakers*
- *Individuals preparing for non-traditional fields*

*(B) identify and quantify any disparities or gaps in performance between any such category of students and the performance of all students served by the eligible agency under this Act, which shall include a quantifiable description of the progress each such category of students served by the eligible agency under this Act has made in meeting the State adjusted levels of performance.*



New under Perkins IV, all data reported to the State or the U.S. Department of Education must be disaggregated – or broken down – by the following categories:

- *Race/ethnicity*
- *Gender*
- *Individuals with disabilities*
- *Migrants*
- *Individuals with limited English proficiency*
- *Individuals from economically disadvantaged families; including foster children*
- *Displaced homemakers*
- *Individuals preparing for non-traditional fields*

In addition, States and local institutions must report any disparities between these groups and the performance of other students participating in career and technical education programs in the state.



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These reports are useful tools for advocates to hold States and locals accountable for ensuring that women in career and technical education programs are being adequately served and to make recommendations for improving services to women.

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The reports must be made available to the public on the Internet and in other formats.

States and locals are not required to disaggregate data for any population that is insufficient in size to yield reliably significant information, or if the data would reveal the identity of a particular student.

## Improvement Plans (Sec. 123)

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### Perkins Act Excerpt

*(a) State Program Improvement-*

*(1) PLAN- If a State fails to meet at least 90 percent of an agreed upon State adjusted level of performance for any of the core indicators of performance described in section, the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible agency failed to so meet the State adjusted level of performance for any of the core indicators of performance.*

*(2) TECHNICAL ASSISTANCE- If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities, or is not making substantial progress in meeting the purposes of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement the improvement activities consistent with the requirements of this Act.*

*(3) SUBSEQUENT ACTION-*



*(A) IN GENERAL- The Secretary may, after notice and opportunity for a hearing, withhold from an eligible agency all, or a portion, of the eligible agency's allotment if the eligible agency—*

*(i) fails to implement an improvement plan as described in paragraph (1);*

*(ii) fails to make any improvement in meeting any of the State adjusted levels of performance for the core indicators of performance identified under paragraph (1) within the first program year of implementation of its improvement plan described in paragraph (1); or*

*(iii) fails to meet at least 90 percent of an agreed upon State adjusted level of performance for the same core indicator of performance for 3 consecutive years.*

*(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES- The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.*

***(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS- The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency to provide technical assistance, to assist in the development of an improved State improvement plan, or for other improvement activities consistent with the requirements of this Act for such State.***

*(b) Local Program Improvement-*

*(1) LOCAL EVALUATION- Each eligible agency shall evaluate annually, using the local adjusted levels of performance, the career and technical education activities of each eligible recipient receiving funds under this title.*

*(2) PLAN- If, after reviewing the evaluation in paragraph (1), the eligible agency determines that an eligible recipient failed to meet at least 90 percent of an agreed upon local adjusted level of performance for any of the core indicators of performance, the eligible recipient shall develop and implement a program improvement plan in consultation with the eligible agency, appropriate agencies, individuals, and organizations during the first program year succeeding the program year for which the eligible recipient failed to so meet any of the local adjusted levels of performance for any of the core indicators of performance.*

*(3) TECHNICAL ASSISTANCE- If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities or is not making substantial progress in meeting the purposes of this Act, based on the local adjusted levels of performance, the eligible agency shall work with the eligible recipient to implement improvement activities consistent with the requirements of this Act.*

***(4) SUBSEQUENT ACTION-***

*(A) IN GENERAL- The eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion, of the eligible recipient's allotment under this title if the eligible recipient—*



*(i) fails to implement an improvement plan as described in paragraph (2);*

*(ii) fails to make any improvement in meeting any of the local adjusted levels of performance for the core indicators of performance identified under paragraph (2) within the first program year of implementation of its improvement plan described in paragraph (2); or*

*(iii) fails to meet at least 90 percent of an agreed upon local adjusted level of performance for the same core indicator of performance for 3 consecutive years.*

**(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES-** *In determining whether to impose sanctions under subparagraph (A), the eligible agency may waive imposing sanctions—*

*(i) due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the eligible recipient; or*

*(ii) based on the impact on the eligible recipient's reported performance of the small size of the career and technical education program operated by the eligible recipient.*

**(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS-** *The eligible agency shall use funds withheld under paragraph (4) from an eligible recipient to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purposes of this Act.*

In the first year, if a State or local institution does not meet at least 90 percent of any one of its negotiated performance measures – the State or local institution must write and implement an improvement plan. If the State or local institution shows improvement in the second year, but still does not meet 90 percent of the performance measure, the State or local must continue to operate under the improvement plan. If the State or local institution shows no improvement, the federal government (or State, in the case of a local institution) can withhold Perkins funds for the third year.

If a State has Perkins funds withheld, the U.S. Department of Education must use the funds to assist the State on improving performance on whichever measure the State failed.

If a local institution has Perkins funds withheld, the State must use these funds to provide career and technical education programs to students in the area through alternative arrangements.

## State and Local Sanctions Under Perkins IV

Year	Performance	State	Local
<b>1</b>	Does not meet 90% of a performance level for one or more core indicators.	Writes improvement plan.	Writes improvement plan.
<b>2</b>	Shows improvement, but still does not meet 90% of a performance level for one or more core indicators.	Continues under improvement plan.	Continues under improvement plan.
	Does not show improvement.	U.S. Dept. of Ed can withhold Perkins funds for Year 3. Withheld funds must be used to assist State in improving performance on measure.	State can withhold Perkins funds for Year 3. Withheld funds must be used to provide alternative arrangements for career and technical education students in the area.
<b>3</b>	Does not meet 90% of a performance level for one or more core indicators.	U.S. Dept. of Ed can withhold Perkins funds for Year 4. Withheld funds must be used to assist State in improving performance on measure.	State can withhold Perkins funds for Year 4. Withheld funds must be used to provide alternative arrangements for career and technical education students in the area.

# Career Guidance and Counseling

## Occupational and Employment Information (Sec. 118)

While federal funding for state career development programs was eliminated in FY2006, Perkins IV renews Congressional authority for these programs; increasing the likelihood that funding will be allocated in the future. In addition, State leadership funds can now be used on these activities.

### Perkins Act Excerpt

*(c) STATE LEVEL ACTIVITIES. – In order for a State to receive a grant under this section, the eligible agency and the Governor of the State shall jointly designate an entity in the State -*

*(1) to provide support for career guidance and academic counseling programs designed to promote. . . **training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;***

*(3) to provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, **especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional field, including occupations and fields requiring a baccalaureate degree.***



Perkins IV increases the emphasis on programs and services for students pursuing non-traditional careers by adding the above provisions.



Advocates should work to restore Sec. 118 funds and use new, strengthened language to urge states to develop career guidance materials to recruit students into non-traditional programs and to steer special populations into fields that lead to economic self-sufficiency.

# Supportive Services

Like Perkins III, the new Perkins law does not itself mention supportive services – the transportation, child care, and financial assistance services required by many women in transition to successfully participate and in career and technical education programs.

Authority for States and local institutions to provide supportive services to participants in career and technical education programs comes from U.S. Department of Education guidance (OVAE Program Memorandum 99-13, available at [www.womenwork.org](http://www.womenwork.org)).

However, Women Work! and our coalition partners were successful in including language in the official report accompanying the law that clarifies States and locals ability to use Perkins funds for supportive services – including referrals and direct assistance.

## Perkins Act Excerpt

*“The Conferees recognize that special populations, including single parents and displaced homemakers, may need direct assistance to be able to participate successfully in career and technical education. These supportive services include such services as transportation, child care, dependent care, tuition, books, and supplies and other services necessary to enable an individual to participate in career and technical education activities.”*

*Consistent with administrative guidance and prior interpretations of the Perkins Act, the Conferees believe that eligible agencies and eligible recipients should retain the flexibility to provide direct assistance to special populations under certain, limited conditions. In providing direct assistance, recipients of the assistance must be individuals who are members of special populations who are participating in career and technical education activities that are consistent with the goals and purposes of the Perkins Act. Funds must be used to supplement, not supplant, assistance that is otherwise available from non-Federal sources, and assistance may only be provided to an individual to the extent that it is needed to address barriers to the individual’s successful participation in career and technical education.”*



Advocates in States where Perkins funds are not used directly on supportive services should use this new report language to make the case that Perkins funding can and should be used to provide direct assistance such as transportation, child care, dependent care, tuition, books and supplies, and other services necessary to enable women in transition to participate in career and technical education activities.

## Advocate's Checklist

### *Using New Provisions in Perkins IV to Increase Opportunities for Women in Transition*

- Ensure that local plans describe** programs and activities that prepare displaced homemakers, single parents and individuals preparing for non-traditional training for high skill, high wage jobs that lead to economic self-sufficiency.
- Ensure that local funds are used** to adequately support programs that prepare displaced homemakers, single parents and individuals preparing for non-traditional training for high skill, high wage jobs that lead to economic self-sufficiency.
- Encourage States to make investments** in special populations and non-traditional training above and beyond the non-traditional set-aside of state leadership funds (\$60,000 to \$150,000).
- Hold States accountable** for their responsibility to demonstrate leadership in improving services for displaced homemakers, single parents and individuals training for non-traditional occupations.
- Urge States to adopt** “the attainment of self-sufficiency” as a core indicator and invest in local programs for special populations as a means of meeting performance levels for this indicator.
- Work with State decision-makers to define** “high-skill, high-wage, or high demand occupations” to increase investment in non-traditional training for women.
- Urge States to meet** expanded professional development and technical assistance requirements by providing technical assistance and professional development to help programs and teachers better serve women in transition.