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*Career, Technical and Agricultural Education*

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**FY21 Guidance on Use of Perkins V Funds**

*July 2020*

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## Guidelines for the Use of Perkins V Funds

### General Authority

The primary use of Perkins funds received by the eligible recipient is to develop, coordinate, implement or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c). *Perkins V cannot be used to maintain career education programs.*

### Allocations

The formula for determining the allocation of Perkins V funds is established in Federal legislation.

### Reallocation of Perkins Funds

Federal funds that are not approved by September 30<sup>th</sup> of the current fiscal year are subject to be by formula for use during the current or following fiscal year to eligible recipients with applications approved for federal funding.

### Enforcement - *Remedies for noncompliance.*

If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- (1) Temporarily withhold cash payments pending corrective action of the deficiency by the grantee or subgrantee or more severe action by the awarding agency.
- (2) Disallow (that is deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance.
- (3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program.
- (4) Withhold further award for the program, or
- (5) Take other remedies that may be legally available.

### Requirements for Uses of Perkins Funds

Funds made available to an eligible recipient may be used for improving, enhancing, and expanding CTAE Pathways/Programs of Study. All aspects of the use of Perkins V funds must be supported by a comprehensive local needs assessment, data, rationale, a local improvement plan, and the district must have the capacity to measure students/program improvement resulting from the use of these funds.

## REQUIREMENTS FOR USES OF PERKINS FUNDS

**SECTION 135 (b) REQUIREMENTS FOR USES:** Funds made available to eligible recipients under this part shall be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective and that—

- (1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include -
  - (A) introductory courses or activities focused on career exploration and career awareness, including non-traditional fields;
  - (B) readily available career and labor market information, including information on—
    - (i) occupational supply and demand;
    - (ii) educational requirements;
    - (iii) other information on careers aligned to State, local, or Tribal (as applicable) economic priorities; and
    - (iv) employment sectors;
  - (C) programs and activities related to the development of student graduation and career plans;
  - (D) career guidance and academic counselors that provide information on postsecondary education and career options;
  - (E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including non-traditional fields; or
  - (F) providing students with strong experience in, and comprehensive understanding of, all aspects of an industry;
  
- (2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, which may include—
  - (A) professional development on supporting individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curricula;
  - (B) professional development on ensuring labor market information is used to inform the programs, guidance, and advisement offered to students, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)(2)(C));

- (C) providing teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;
  - (D) supporting school leaders and administrators in managing career and technical education programs in the schools, institutions, or local educational agencies of such school leaders or administrators;
  - (E) supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs;
  - (F) providing teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, principals, school leaders, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;
  - (G) training teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, to provide appropriate accommodations for individuals with disabilities, and students with disabilities who are provided accommodations under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act;
  - (H) training teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals in 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; or
  - (I) training for the effective use of community spaces that provide access to tools, technology, and knowledge for learners and entrepreneurs, such as makerspaces or libraries;
- (3) provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations;

- (4) support integration of academic skills into career and technical education programs and programs of study to support—
  - (A) CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 by the State in which the eligible recipient is located; and
  - (B) CTE participants at the postsecondary level in achieving academic skills;
- (5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113, which may include—
  - (A) a curriculum aligned with the requirements for a program of study; (B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills that are in demand in the State, regional, or local economy, and in collaboration with business outreach staff in one-stop centers, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and other appropriate organizations, including community-based and youth-serving organizations;
  - (C) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)), including dual or concurrent enrollment programs, early college high schools, and the development or implementation of articulation agreements as part of a career and technical education program of study;
  - (D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;
  - (E) a continuum of work-based learning opportunities, including simulated work environments;
  - (F) industry-recognized certification examinations or other assessments leading toward a recognized postsecondary credential;
  - (G) efforts to recruit and retain career and technical education program teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals;
  - (H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide

- students with transition-related services, including the Individuals with Disabilities Education Act;
- (I) expanding opportunities for students to participate in distance career and technical education and blended learning programs;
  - (J) expanding opportunities for students to participate in competency-based education programs;
  - (K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;
  - (L) supporting the integration of employability skills into career and technical education programs and programs of study, including through family and consumer science programs;
  - (M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science and architecture) for students who are members of groups underrepresented in such subject fields;
  - (N) providing career and technical education, in a school or other educational setting, for adults or out-of-school youth to complete secondary school education or upgrade technical skills;
  - (O) supporting career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curricula;
  - (P) making all forms of instructional content widely available, which may include use of open educational resources;
  - (Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;
  - (R) (R) partnering with a qualified intermediary to improve training, the development of public-private partnerships, systems development, capacity building, and scalability of the delivery of high-quality career and technical education;
  - (S) support to reduce or eliminate out-of-pocket expenses for special populations participating in career and technical education, 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; or
  - (T) other activities to improve career and technical education programs; and
- (6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).

## ADMINISTRATIVE COSTS

**SECTION 135 (d) ADMINISTRATIVE COSTS:** Each eligible recipient receiving funds under this part shall not use more than 5 percent of such funds for costs associated with the administration of activities under this section. *Eligible Recipient may use funds from its 5% administrative cap (5% of Program Improvement award) to purchase equipment, supplies, pay clerical support wages to support CTAE Administration. All documentations related to these activities must be kept on file.*

## SUPPLANTING WITH PERKINS FUNDS

**SECTION 211 (a) SUPPLEMENT NOT SUPPLANT:** Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities.

The intent is always to demonstrate that the expenditure of funds develops, coordinates, implements or improves career education. In all cases, **the expenditure of funds must be above normal operational expenses.** Therefore, the Eligible Recipient must provide all state and local funds needed to operate the program in the absence of federal funds (i.e. routine operating expenses such as building maintenance and repairs, landscaping and custodial service, basic teacher and student equipment and supplies). Grantees **may not use federal funds to pay** for services, staff, programs or materials **that would otherwise be paid for with state or local funds.**

Supplanting occurs when federal dollars replace what is typically paid for by local/state dollars to support career education programs and activities. Grant recipients must monitor expenditures to ensure that Perkins funds are not supplanting the general requirements of the Eligible Recipient. This law is designed to ensure that Perkins funds pay for improved performance, not the day to day operational costs.

Perkins grant funds must not result in a reduction to state or local funding that would have been available to conduct the activity had these funds not been received. This means that Perkins funds may not free up state or local dollars for other purposes, but they should create or augment programs to an extent not possible without Perkins dollars. The Eligible Recipient must be able to demonstrate that Perkins funds are added to the amount of state and local funds that would, in the absence of Perkins funds, be made available for uses specified in the Eligible Recipient's Local Application.

Supplanting is presumed, if Perkins V Funds are used:

- To provide services that the recipient is required to make available under other federal, state or local laws;
- To provide services the recipient provided with state or local funds in the prior year;
- To pay for any expense that was previously paid by the local school district; this may include salaries, textbooks, stipends, equipment, etc.

## COMPREHENSIVE LOCAL NEEDS ASSESSMENT

### SECTION 134 (c) COMPREHENSIVE LOCAL NEEDS ASSESSMENT:

- (1) IN GENERAL — To be eligible to receive financial assistance under this part, an eligible recipient shall—
  - (A) conduct a comprehensive local needs assessment related to career and technical education and include the results of the needs assessment in the local application submitted under subsection (a); and
  - (B) not less than once every 2 years, update such comprehensive local needs assessment.
  
- (2) REQUIREMENTS —The comprehensive local needs assessment described in paragraph (1) shall include each of the following:
  - (A) An evaluation of the performance of the students served by the eligible recipient with respect to State determined and local levels of performance established pursuant to section 113, including an evaluation of performance for special populations and each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965.
  - (B) A description of how career and technical education programs offered by the eligible recipient are—
    - (i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and
    - (ii)(I) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the “State board”) or local workforce development board, including career pathways, where appropriate; or
    - (II) designed to meet local education or economic needs not identified by State boards or local workforce development boards.
  - (C) An evaluation of progress toward the implementation of career and technical education programs and programs of study.
  - (D) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career guidance and academic counselors, including individuals in groups underrepresented in such professions.
  - (E) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study for all students, including—
    - (i) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations;

- (ii) (ii) providing programs that are designed to enable special populations to meet the local levels of performance; and
- (iii) 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.

#### **SECTION 134 (d) CONSULTATION**

In conducting the comprehensive needs assessment under subsection (c), and developing the local application described in subsection (b), an eligible recipient shall involve a diverse body of stakeholders, including, at a minimum—

- (1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers, career guidance and academic counselors, principals and other school leaders, administrators, and specialized instructional support personnel and paraprofessionals;
- (2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;
- (3) representatives of the State board or local workforce development boards and a range of local or regional businesses or industries;
- (4) parents and students;
- (5) representatives of special populations;
- (6) representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965);
- (7) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and
- (8) any other stakeholders that the eligible agency may require the eligible recipient to consult.

#### **Section 134 (e) CONTINUED CONSULTATION**

An eligible recipient receiving financial assistance under this part shall consult with the stakeholders described in subsection (d) on an ongoing basis, as determined by the eligible agency. This may include consultation in order to –

- (1) provide input on annual updates to the comprehensive needs assessment required under subsection (c)(1)(B);
- (2) ensure programs of study are –
  - (A) responsive to community employment needs;
  - (B) aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in subsection (d), which may include in-demand industry sectors or occupations identified by the local workforce development board;
  - (C) Informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491-(e)(2)(C))

## Consortium Requirements

Sec 135 (c) provides the following guidance on consortia

(c) **POOLING FUNDS** — An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection (b)(2).

Subsection (b)(2) - (2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals.

### Allocation of Funds within a Consortium

The allocation of the Perkins funds must be done at the consortium level. The consortium CANNOT “grant back” the money to the individual schools. The legislation is very clear that a grant back situation can cause the entire amount to be reclaimed by the US Department of Education.

*Example: If a school generates \$5,600 through the formula and cooperates with a consortium, they are not guaranteed \$5,600 to be spent on their career education programs. The consortium must review the career education needs of all the schools and allocate the money on business education, and then all business education programs in the consortium must have the opportunity to participate.*

The consortium members must have input on the allocation of funds. Any equipment or instructional materials purchased remain the property of the consortium and must be clearly identified as such.

## SUMMARY OF NON-ALLOWABLE USE OF FUNDS

- Acquisition of equipment for personal use
- Capital Expenditures: Expenditures for the acquisition costs of capital assets or real property (noninstructional equipment, building, land), or expenditures to make improvements to capital assets that materially increase their useful life value; this also includes the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the asset usable for the purpose for which it was acquired.
- Consumable supplies to be made into products to be sold or to be used personally by students, teachers, or other persons
- Contingency or “petty cash” funds
- Contributions and donation expenditures for students
- Cost of non-instructional activities such as athletic, social or recreational events
- CTSO expenses for students, including dues and registration
- Dues & memberships to professional organizations or societies for individuals
- Equipment and supplies for building or grounds maintenance
- Equipment warranties that cover loss and/or damage
- Facility construction to include concrete pads for greenhouses
- Fines and penalties
- Funding activities that would supplant (replace) requirements of the eligible recipient
- Furniture, file cabinets, and equipment used by the teacher unless it is an integral part of an equipment workstation or to provide reasonable accommodations to CTAE program students with disabilities
- General storage files or cabinets not designed to store specific tools or equipment
- Gifts, gift cards, or door prizes for students or others
- Instructional aides, uniforms, tools or other items to be retained by students
- Interest and other financial costs
- JROTC is a federally funded program and not eligible for Perkins funds except travel and registration to attend CTAE specific meetings and conferences.
- Leasing vehicles, car rentals, etc.
- Meals, banquets, or entertainment except as allowable under travel regulations
- Non-instructional equipment for school-based enterprises
- Paying for remedial courses
- Printing and dissemination of non-instructional materials
- Promotional materials such as T-shirts, pens, cups, key chains
- Purchase of awards for recognition of students, advisors or other individuals
- Renovation of the school facility including wall plates, electrical outlets, computer/data drops for classrooms or labs
- Salary for school support staff that is maintained beyond the three-year period.
- Standard classroom furniture not required for instruction in a CTAE program
- Subscriptions to magazines or journals not directly related to CTAE programs of study

- Textbooks (print version or digital curriculum)
- Transportation of students
- Travel outside of the US (except by prior approval of GaDOE CTAE Accountability Unit)
- Tuition costs, university fees, distance learning fees (for student and teachers)
- Vehicles such as automobiles, trucks, buses, airplanes, boats, golf carts, motorcycles, trailers, and tractors.