

H. PARTICIPATION OF PRIVATE SCHOOL STUDENTS AND PERSONNEL

H.1 May an eligible recipient allow private school students to participate in its career and technical education programs and activities funded under Perkins IV?

Yes. Section 317(b)(1) of Perkins IV allows, but does not require, an eligible recipient, upon written request, to use its Perkins IV funds to provide for the meaningful participation of secondary students who reside in the geographical area served by the eligible recipient and who are enrolled in a nonprofit private school, except as prohibited by State or local law. An eligible recipient is not required to spend any specific amount of funds on services for private school students. However, the Department encourages recipients to provide services of reasonable scope and usefulness. An eligible recipient, as defined in section 3(14) of Perkins IV, includes, at the secondary level, an LEA (including a public charter school that operates as an LEA), an area career and technical education school, an educational service agency, or a consortium eligible to receive assistance under section 131 of Perkins IV.

H.2 Which private school students are eligible for career and technical education services?

Secondary school students who reside within the eligible recipient's geographical area and who are enrolled in nonprofit private schools, whether or not the private school is located in the eligible recipient's geographical area, are eligible to participate in career and technical education services. For example, secondary school students who reside in Arlington County and attend a private school in the District of Columbia (DC) would be eligible for career and technical education services offered by Arlington County. A representative of the private school in DC would submit a written request to the Arlington County Public Schools (APS) to provide for the students' participation in APS' career and technical education programs and activities.

H.3 What obligation does an eligible recipient have with respect to consulting with private school officials?

An eligible recipient must consult, upon written request, in a timely and meaningful manner, with representatives of nonprofit private schools in the geographical area served by the eligible recipient, regarding the meaningful participation of eligible private school students in its career and technical education programs funded under Perkins IV. See section 317(b)(2) of Perkins IV. An eligible recipient also may consult with private school officials in geographic areas not served by the eligible recipient (e.g., a neighboring LEA), as students who are eligible for career and technical education services might attend those schools.

H.4 What is a State's or eligible recipient's responsibility with respect to allowing private school teachers and other school personnel to participate in its career and technical education in-service or professional development programs?

Section 317(a) of Perkins IV requires that a State or an eligible recipient that uses Perkins IV funds for in-service and preservice career and technical education professional development programs for career and technical education teachers, administrators, and other personnel, *to the extent practicable*, and upon written request, permit private school teachers, administrators, and personnel to participate in such programs. Section 317(a) applies only to those personnel in private schools that offer career and technical secondary education programs and that are located in the geographical area served by the State or the eligible recipient. Section 317(a) does not require the State or the eligible recipient to expend Perkins funds for separate programs and activities for private school personnel.

H.5 Is there a deadline for private school representatives to submit a written request for consultation or services to the State or an eligible recipient?

Perkins IV does not establish a date or deadline for private school representatives to submit a written request for consultation or for services. Private school representatives are encouraged to contact the State or an eligible recipient as early as possible to allow ample time for the State or the eligible recipient to consider the request prior to planning its Perkins IV services and activities for the following school year. Private school representatives may want to contact the State or an eligible recipient to express their interest in career and technical education and obtain the information needed to make a written request for services or consultation. We encourage recipients to advise private school representatives to contact the LEA early so that the LEA may plan for services at the same time it is planning services for all students in the LEA.

H.6 What information should private school representatives include in requests to the State or an eligible recipient?

Perkins IV does not establish any requirements for the content of written requests from private school representatives to the State or an eligible recipient for career and technical education services or consultation. The Department recommends that private school representatives first contact the State or an eligible recipient to ascertain what information the State or eligible recipient may require in a written request. The Department suggests that a written request include, at a minimum, a statement regarding the services or consultation requested, the numbers and types of personnel or students to be served, the geographical area in which the students reside, and the private school's address and contact information.

H.7 What Perkins IV funds would the State or an eligible recipient use to fund programs and activities for private school personnel and students?

The State or an eligible recipient would use the same type of funds to provide programs and activities for private school personnel and students as it uses to provide the same services to public school students. A State, for example, would use its State leadership funds under section 124 of Perkins IV to provide the same training and professional development of private school career and technical education teachers, counselors, and administrators, as the State provides to public school career and technical education personnel. As a second example, an eligible recipient would use its funds under section 135 of Perkins IV to provide the same teacher training, in-service, and preservice activities for private school career and technical education personnel as the eligible recipient provides to its own public school career and technical education personnel.

I. ARTICULATION AGREEMENTS

I.1 To which programs does the new definition of “articulation agreement” in Perkins IV apply?

The definition of “articulation agreement” that is set forth in section 3(4) of Perkins IV applies to all programs under Perkins IV whether the programs are authorized by Title I (basic State grant) or Title II (tech prep). Title II does not include any definitions applicable only to tech prep programs, as the definitions in section 202 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (Perkins III), including the definition of “articulation agreement,” were removed by the Perkins IV amendments.

I.2 Does the definition of the term “articulation agreement” under Perkins IV differ significantly from the Perkins III definition of this term?

Yes. The definition of the term “articulation agreement” in section 3(4) of Perkins IV is significantly different from the definition in section 202(a)(1) of Perkins III. The Perkins IV definition of “articulation agreement,” like the Perkins III definition, requires a written commitment to a program that is designed to provide students with a non-duplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree. The Perkins IV definition further requires that this program be linked through credit transfer agreements between a secondary institution and a postsecondary educational institution, or a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution. See section 3(4) of Perkins IV. Further, the Perkins IV definition requires that an articulation agreement be (1) approved by the State or (2) approved annually by the lead administrators of a secondary institution and a postsecondary education institution, or a subbaccalaureate degree granting postsecondary education institution and a baccalaureate degree granting postsecondary education institution.

I.3 Does Perkins IV require an articulation agreement for a tech prep program funded under Title II of the Act?

Yes. Section 203(c)(1) of Perkins IV requires that a tech prep program be carried out under an articulation agreement between the participants in the consortium. Further, section 203(c)(3)(B)(ii) of Perkins IV requires that each tech prep program include the development of tech prep activities for secondary education and postsecondary education that link secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education, through the use of articulation agreements. The definition of “articulation agreement” in section 3(4) of Perkins IV, as discussed above, applies to tech prep programs funded under Title II.

I.4 May a tech prep program develop an articulation agreement with entities other than the educational agencies and institutions participating in the consortium?

Yes. Section 203(d)(3) of Perkins IV permits tech prep programs to establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.

I.5 May a State and its subrecipients implement articulation agreements in programs funded under Title I of Perkins IV?

Yes. With its emphasis on programs of study, secondary and postsecondary linkages, and two-year and four-year postsecondary linkages, Title I requires or supports the use of articulation agreements in several ways. Section 122(c)(1)(C) of Perkins IV requires that the State’s Plan include information that 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 how the eligible agency will support eligible recipients in developing and implementing articulation agreements between secondary education and postsecondary education institutions. This provision, thus, requires a State to indicate how it will support articulation agreements for career and technical education programs in addition to those required for tech prep programs by Title II.

Additionally, section 124 of Perkins IV permits a State to use its State leadership funds for articulation agreements. Section 124(c)(2) authorizes the State to establish agreements, including articulation agreements between secondary schools and postsecondary institutions, in order to provide postsecondary education and training opportunities for students participating in career and technical education programs. Additionally, section 124(c)(3)(A) of Perkins IV authorizes the State’s use of State leadership funds for Statewide articulation

agreements for initiatives fostering student transition between subbaccalaureate programs and baccalaureate programs.

Further, section 135(c)(10)(A) of Perkins IV specifically permits eligible recipients to use funds awarded under Title I to develop initiatives, including articulation agreements, that facilitate the transition of students from subbaccalaureate programs to baccalaureate programs.

I.6 Does Perkins IV require that a program of study be implemented through an articulation agreement, as defined in section 3(4) of Perkins IV?

No. Section 122(c)(1)(B) of Perkins IV does not require a State or its subrecipients to use an articulation agreement to implement the programs of study that the State must describe in its State Plan. However, the Department encourages the State and its subrecipients to consider the use of articulation agreements, as defined in section 3(4) of Perkins IV, as a mechanism to strengthen programs of study.

I.7 Must a program of study be implemented through a formal articulation agreement as set forth in section 3(4) of Perkins IV?

No. Section 122(c)(1)(B) of Perkins IV does not require a State or its subrecipients to use any type of agreement to implement its programs of study. However, a State and its subrecipients would likely find that some type of formal agreement that lays out the parameters for undertaking activities would greatly accelerate and improve the implementation of programs of study.