The CARL D. PERKINS CAREER AND TECHNICAL EDUCATION ACT

QUESTIONS AND ANSWERS REGARDING PERKINS IV

The following questions have been raised regarding Perkins IV. Guidance to each question appears on the following pages. IT IS IMPORTANT TO NOTE THAT THIS DOCUMENT IS ADVISORY ONLY AND SHOULD BE REGARDED AS A “WORK IN PROGRESS.” As additional non-regulatory guidance is provided from the U.S. Department of Education, Office of Vocational and Adult Education, this information is shared with states and thus local recipients.

FUNDING

1. Question: How will the Perkins funds be allocated between secondary and postsecondary?

1. Response: Maryland will continue the current allocation of pass through funds at 65% to secondary and 35% to postsecondary. This is based upon the current enrollment of 66% at the secondary level and 34% at the postsecondary level.

2. Question: What is the formula distribution for the funds?

2. Response: The formula distribution is prescribed in the Perkins Act. For secondary recipients, 30% is allocated to local school systems in proportion to the number of individuals aged 5 through 17 who reside in the local school district compared to the total number of such individuals who reside in all school districts. [(Section 131(a)(1)]. The remaining 70% is allocated to local school systems in proportion to the number of individuals 5 through 17 who reside in the local school district from families below the poverty level compared to the total number of such individuals who reside in the school districts served by all school districts. [(Section 131(a)(2)].

For postsecondary recipients, the formula allocation is the sum of the number of individuals in CTE programs in community colleges who are Federal Pell Grant recipients (Maryland requires audited unduplicated Pell Grant recipients) compared to the sum of the number of such recipients enrolled in such programs within the State. [(Section 132(a)(2)].

3. Question: Are there minimum allocations to be met by local school systems and community colleges before Perkins funds can be granted to a local recipient?

3. Response: Yes, the Perkins Act specifies minimum allocations for local school systems and community colleges. Local school systems shall not receive an allocation unless the amount allocated to such local school system is greater than $15,000. Any community college whose allocation is less than $50,000 is not eligible to receive an allocation. Perkins does allow a waiver for local school systems who demonstrate certain criteria and are located in a rural, sparsely populated area. [(Section 131(c)(2)(A)(i)].
4. **Question:** When will a local recipient know what their allocation will be for the next fiscal year?

4. **Response:** MSDE will provide estimates of allocations for local recipients as soon as they are available. Estimates are based upon a number of factors. First is the allocation from the U.S. Department of Education. Second is based upon the amount of funds local recipients release or return to MSDE as unspent at the end of the fiscal year. The third factor is based upon local recipients providing MSDE with the required information, such as Pell Grant recipients, by the due date. Estimates cannot be provided until the above factors are finalized.

6. **Question:** What is the Career & Technology Education (CTE) Reserve Fund Grant?

6. **Response:** Perkins requires that 85% of the funds under Title I (Basic Grant) be distributed to local recipients. Of this 85%, Maryland will reserve 5% to target specific initiatives on a competitive basis. The remaining funds under Title I (Basic Grant) will be distributed by formula. [Section 112(c)]

7. **Question:** Who is eligible for the CTE Reserve Fund Grant? How does a local recipient apply for these funds?

7. **Response:** Eligible recipients that can apply for reserve funds include secondary and postsecondary applicants who meet one of following criteria: are located in a rural area (as defined by the Maryland Office of Planning based upon updated Census projections); have high percentages of CTE completion rates; or have high CTE enrollment. The CTE Grant funds are distributed through a competitive process with a Request for Proposals (RFP) being issued. Specific criteria to address in applying for these grants are described in the RFP along with the scoring rubric. A list of eligible local recipients is also available.

8. **Question:** Are there restrictions on how CTE Reserve Fund Grant funds can be used?

8. **Response:** Yes, the CTE Reserve Fund Grant monies must be used according to the criteria specified in an RFP. The use of these funds will be to implement Maryland’s CTE Programs of Study, provide professional development, etc. The RFP will specify allowable use of funds as well as provide information for which funds cannot be used.

9. **Question:** With Title II funds no longer available, how can local recipients plan and pay for new program development?

9. **Response:** Title I (Basic Grant) funds have not been eligible for use on new program development. The CTE Reserve Fund Grant offers opportunities for new program development under targeted initiatives. (Refer to Priorities 1 and 2 in the CTE Reserve Fund Grant’s RFP.)
10. Question: What is supplanting and when would it occur?

10. Response: Local recipients must use funds made available under Perkins IV for career and technical education activities that supplement, and not supplant, non-Federal funds expended to carry out career and technical education activities.

A presumption would arise that supplanting has occurred if a local recipient used Perkins IV funds to provide services that the State or an eligible recipient (1) was required to make available under other Federal, State or local laws, except as permitted by section 324(c) of Perkins IV; (2) provided with non-Federal funds in the prior year; or (3) provided with non-Federal funds for non-career and technical education students but charged to Perkins IV funds for career and technical education students.

These presumptions are rebuttable if the eligible recipient can demonstrate that it would not have provided the services in question with non-Federal funds had the Perkins IV funds not been available.

11. Question: Is the purchase of equipment still allowable under Perkins IV?

11. Response: Yes, equipment may be purchased if it is an upgrade to a CTE Program. The equipment should be industry specific.

12. Question: Can equipment purchased with Perkins funds be used by non CTE students?

12. Response: Equipment purchased with Perkins funds may be used by non CTE students but only if CTE students are not using it for a specified time. For example, if a CTE computer lab is not in use by CTE students for one class period a day, then non-CTE students may use the lab during that time.

13. Question: Is the purchase of consumables allowable with Perkins funds?

13. Response: The purchase of consumables such as workbooks, lumber, uniforms, surgical gloves, etc. is not considered an upgrade to a program. It is considered maintenance of a program. If a program is just starting, these expenses may be allowable for the implementation year as the program did not exist before and it is the cost of implementing a new program of study. Consumable supplies such as toner cartridges, paper, baking supplies, lumber etc. are the responsibility of local school system or community college after the first year of CTE program implementation. Classroom sets of textbooks are eligible expenses for the use of Perkins funds for new courses, upgraded curriculum, or for upgraded versions of the textbook. Replacing one or two books in a classroom set because the books were lost, stolen or have otherwise disappeared is considered maintenance and not eligible for Perkins funds. There is no upgrade for only returning to a full classroom set.

14. Question: Can a local recipient spend Perkins funds on CTE programs in charter schools?
14. **Response:** In Maryland, charter schools are public schools which must follow local school system requirements. If a local recipient submits an amendment to add the CTE program at the charter school to the local recipient’s List “A” then the CTE program at the charter school would be eligible for Perkins funds. [(Section 124 (c) (5)].

15. **Question:** May a local recipient use Perkins funds for remedial classes?

15. **Response:** No. The definition of “career and technical education” in Section 3(5) of Perkins IV precludes the use of any Perkins IV funds for remedial classes. Any course funded under Perkins IV must meet all parts of the definition of “career and technical education.”

While Perkins IV does not define the term “remedial course,” as it is used in the definition of “career and technical education,” the US Department of Education considers a course to be “remedial” if it were designed to provide instruction in reading, writing, and mathematics for students who have not acquired the basic academic skills necessary to succeed in general or in career and technical education courses. The definition of “career and technical education” in Section 3(5) of Perkins IV specifically excludes prerequisite courses that are remedial.

16. **Question:** May Perkins funds be used for remedial services that are part of a career and technical education class or program?

16. **Response:** Yes. Section 135(c)(6) of Perkins IV allows eligible recipients to use funds “for mentoring and support services.” Section 3(31) of Perkins IV defines “support services” to mean services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aides and devices. The modifications eligible to be funded under Perkins IV are those that are above and beyond the accommodations required to be provided under other federal acts such as IDEA or ADA.

Thus, an eligible recipient could not use Perkins IV funds to provide remedial “courses” but could fund “services” related to career and technical education programs in which students are enrolled even if these services such as tutoring provided by supportive personnel were remedial.

17. **Question:** May Perkins IV funds be used to support student transportation to, and lodging and meals at, technical skill competitions as part of national career and technical student organization (CTSO) conventions?

17. **Response:** No. The U.S. Department of Education’s long-standing interpretation regarding the types of CTSO costs that may be paid from Federal grant funds is that Perkins funds used for the support of CTSOs may not be used for lodging, feeding, conveying, or furnishing transportation to conventions or other forms of social assemblage. This is also referenced in 34 CFR Code of Federal Regulations 403.71(c)(3), originally implementing Perkins II. Perkins funds may be used for costs related to a CTSO that is an INTEGRAL part of the curriculum that serves all students in that curriculum.
18. **Question:** May Perkins IV funds be used to support student transportation for field trips related to their POS?

18. **Response:** The Perkins Act requires that funds be used to upgrade CTE programs of study (POS). Perkins also speaks of sustaining the upgrades. A field trip may enhance a student’s knowledge in a CTE POS and enhance the learning and application between classroom learning and real world experiences, but it must be more than a one-time event.

Field trips must be open to all the CTE students in the CTE POS, not just to some. The field trip experience must support a Core Indicator of Performance which will enhance student knowledge.

Auditors often ask several questions about field trip expenses such as:

- *How are field trips funded in non-CTE programs?*
- *How will the knowledge gained on the field trip be brought back to the classroom and used to enhance a student’s skills or understanding of the specific subject? What is the sustainability? Without the federal funding, would the field trip still take place?*
- *Since Perkins funds are not used for food, does this eliminate students who are economically disadvantaged from participating in the field trip if they must purchase their own lunch?*

Each situation must be reviewed on an individual basis before Perkins IV funds may be used to cover field trip expenses. Please contact your Regional Coordinator prior to including this activity in your local plan.

19. **Question:** May an eligible recipient use Perkins IV funds to provide direct assistance to students?

19. **Response:** It is the long standing interpretation of the U. S. Department of Education, that Congress intended to give states and eligible recipients the flexibility to use Perkins funds to provide direct assistance to special populations under certain, limited circumstances. Perkins IV funds, as appropriate, may be used to provide direct assistance, including dependent care, tuition, transportation, books, and supplies, to individuals if all of the following conditions are met:

- Recipients of the assistance are 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 Perkins IV;
- Assistance is provided to an individual only to the extent that it is needed to address barriers to the individual’s successful participation in career and technical education;
- Direct financial assistance to individuals is part of a broader, more general effort to address the needs of individuals who are members of special populations; and
- Direct assistance is one element of a larger set of strategies designed to address the needs of special populations, including those preparing for nontraditional fields. Direct assistance to individuals who are members of special populations does not, by itself, constitute a “program for special
populations” that meets the requirements of Section 124(b)(8) or 135(c)(4) of Perkins IV, nor does direct assistance to individuals preparing for nontraditional fields, by itself, constitute training and employment activities in nontraditional fields under Section 124(b)(5) or 135(c)(17).

Funds must supplement, and not supplant, assistance that is otherwise available from non-Federal sources.

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

20. Response: 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.

21. Question: What obligation does an eligible recipient have with respect to consulting with private school officials?

21. Response: 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. [(Section 317(b)(2)].

22. Question: What is the 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?

22. Response: Section 317(a) of Perkins IV requires that an eligible recipient that uses Perkins IV funds for in-service and pre-service career and technical education professional development programs for career and technical education teachers, administrators, and other personnel, to the extent practical, 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 eligible recipient. Section 317(a) does not require the eligible recipient to expend Perkins funds for separate programs and activities for private school personnel.
23. Question: What is required in order for Perkins funds to be used for professional development?

23. Response: The Perkins Act speaks to comprehensive professional development. It must be part of an ongoing and systemic plan for upgrading CTE teachers/faculty. MSDE requires the Maryland Teacher Professional Development Standards to be implemented whenever professional development is offered for Pre-K – 12 teachers. [(Section 122 (c)(2)(A-G); Section 124 (b)(3)(A-E); and Section 134 (b)(4)).

24. Question: If a summer professional development or conference will occur in July or August, AND the registration deadline is in May or June, can current fiscal year Perkins fund be used to pay for the registration fees or airfare?

24. Response: It is allowable to pay the registration for professional development occurring in the next fiscal year out of current year funds if: (1) the deadline for registration is prior to July 1; and (2) registering on-site would result in a higher cost for the professional development, or a late registration fee would be assessed. However, registration cannot be paid for the same conference twice in the same fiscal year. For example, registration for a July professional development cannot be paid in July and then in the following May be paid for the next fiscal year’s professional development. The obligation for travel should be made when the travel is taken. Depending upon local policies, some ask the CTE staff person to purchase the airfare and then receive reimbursement after the travel is taken. Others may have accounts at school which permit this expense to be paid until the travel is taken. Federal funds should not be obligated for travel (airfare, train, bus, etc. or for room reservations) until the travel is taken. Source: Education Department General Administrative Regulations (EDGAR) §75.707.

25. Question: Can local recipients continue to engage consultants for professional development?

25. Response: Yes, consultants may be used to deliver professional development so long as the professional development is comprehensive and part of a systemic plan. Consultants who are hired for a one day meeting, which is not part of a comprehensive professional development plan, would not fall under the Perkins IV definition of comprehensive professional development. Teachers/faculty who attend conferences should be able to identify how the professional development will affect student learning. Follow up activities/conferences should be scheduled to ensure that the professional development is comprehensive, systemic, and results in improved teaching and learning. [(Section 122(c)(2)(C)].

26. Question: Can Perkins funds be used at the Middle School level?

26. Response: No funds received under this Act may be used to provide career and technical education programs to students prior to the seventh grade, except that equipment purchased with funds under this Act may be used by such students. [(Section 315)].
27. **Question:** Is the Maintenance of Effort still required under Perkins IV?

**Response:** Yes, Maintenance of Effort is still required.

28. **Question:** To what extent can Perkins IV funds be expended for “all school reform,” such as encouraging Advance Placement (AP) courses for all students?

**Response:** Perkins funds must be expended only for career and technical education programs, services, and activities, as defined by the Perkins Act.

**ACCOUNTABILITY**

29. **Question:** How can local recipients meet their local performance measure for 2S1 requiring industry endorsed certification exams?

**Response:** If available and appropriate, students are expected to take an industry-endorsed exam leading to a certification or license. [(Section 113 (b)(2) (A) (ii)].

30. **Question:** How will the state negotiate local performance levels?

**Response:** The State must negotiate performance levels with the U.S. Department of Education. If the State does not meet each performance measure, funding to Maryland is compromised. In order to meet State performance levels, MSDE will negotiate with each local recipient of Perkins funds. To determine local performance levels several factors will be considered including current local performance and state negotiated performance levels.

31. **Question:** What happens if local, performance levels are not met?

**Response:** If a local recipient fails to meet at least 90% of an agreed upon performance level for any of the core indicators of performance, an improvement plan must be developed and implemented. If a local recipient fails to implement an improvement plan, fails to make any improvement in meeting any of the local performance levels for the core indicators of performance or fails to meet at least 90% of an agreed upon local level of performance for the same core indicator of performance for three consecutive years, sanctions may be imposed. This process is the same for the State performance levels.

**IMPROVEMENT PLANS**

32. **Question:** When must a local recipient develop and implement an improvement plan?

**Response:** Perkins IV requires any local recipient that fails to meet at least 90 percent of a local adjusted performance level (90 percent threshold) for any of the core indicators of performance to develop and implement a program improvement plan for each indicator for which the local recipient failed to meet the 90 percent threshold. The improvement plan is submitted the first year following the year that any local adjusted performance level was not met by the 90 percent threshold. Improvement
33. **Question:** What elements must the improvement plan contain?

**Response:** A local improvement plan must, at a minimum, include the following items:

- The core indicator(s) of performance for which the local recipient failed to meet the 90 percent threshold.
- The categories of students for which there were quantifiable disparities or gaps in performance compared to all students or any other category of students.
- The action steps which will be implemented, beginning in the current program year, to improve the local recipient’s performance on the core indicator(s) of performance and for the categories of students for which disparities or gaps in performance were identified.
- The staff member(s) in the local recipient’s school system or community college who are responsible for each action step.
- The timeline for completing each action step.

34. **Question:** Who must be consulted during the development and implementation of the local recipient’s program improvement plan?

**Response:** A local recipient must develop and implement its improvement plan in consultation with appropriate agencies, individuals, and organizations, especially those agencies, individuals, and organizations that were impacted by the local recipient’s failure to meet a local adjusted level of performance and to work with these groups in implementing its plan to improve student performance.

**SPECIAL POPULATIONS**

35. **Question:** How will special populations (students) meet the local levels of performance?

**Response:** Local recipients may need to provide extra support services to help students succeed.

36. **Question:** Are there restrictions on how a postsecondary institution can spend Perkins funds on programs impacting special populations such as displaced homemakers and single parents?

**Response:** Yes, members of special populations must be enrolled in List “A” CTE programs. Support services may be an allowable expense under Perkins funds to the extent that these services are not provided for non-CTE students. If the same support services are available for non-CTE students from non-federal dollars, an auditor may regard the use of Perkins funds for support services in this instance, as supplanting. Other auditing tests would be used to determine supplanting. The key question to ask is “In the absence of the federal funds, would the services be provided?” and if the answer is “Yes” than supplanting could be assumed.
37. **Question:** How will local recipients be assessed if special populations data is incorporated into CTE data?

37. **Response:** There is no change of data collection for special populations in Perkins IV except adding sanctions to local recipients who do not meet requirements.

### CAREER FIELDS

38. **Question:** What are considered “high wage, high skill or high demand” occupations in Maryland? Will the State issue a definition?

38. **Response:** The U.S. Department of Education leaves it up to the State’s discretion to determine “high wage, high skill or high demand” occupations. Maryland does not plan to issue a State definition because before CTE programs are approved, local recipients must document that they meet current labor market demands in emerging occupations which provide a family-supporting wage.

39. **Question:** Which careers are considered non-traditional? Will the State issue a list of nontraditional occupations or fields?

39. **Response:** The Specs Manual references the national list of careers that are considered non-traditional. The link is [www.mdctedata.org](http://www.mdctedata.org). Under the section Related Links, choose Nontraditional Occupations for Females and Males. This list, compiled by the National Alliance for Partnerships in Equity, contains the careers for which one gender is represented by 25% or less of incumbent workers. If a career is not listed, it means that 25% or more of one gender is represented in the field.

40. **Question:** What is an articulation agreement under Perkins IV?

40. **Response:** The law expands the definition under Perkins IV. The term ‘articulation agreement’ means a written commitment that is agreed upon at the State level or approved annually by the lead administrators of local school systems and postsecondary educational institutions. The program 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. This program is also linked through a credit transfer agreement between the two institutions. Maryland requires local school systems to submit articulation agreements as part of the program approval process. [(Section 3 (4), 685)].

41. **Question:** Should all new CTE programs be articulated?

41. **Response:** Yes, all new CTE programs should be articulated.

42. **Question:** When is it allowable to use Perkins IV funds to cover salaries?

42. **Response:** Each situation must be reviewed on an individual basis before Perkins IV funds may be used to cover a salary. Auditors look for possible supplanting issues, especially in challenging economic times. Several questions need to be answered and a determination made regarding the use of Perkins funds for salaries. When it is
allowable, there is a three-year limit unless the salary, paid under Title I, provides
direct support services to students who are members of special populations.
However even these salaries are subject to specifics related to special populations as
outlined in question 34.

Please contact your Regional Coordinator prior to including any new salaries in your
local plan.