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COVID-19, EDGAR Updates,
and Perkins V

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Agenda

1. Congressional COVID-19 Updates

2. The Funding Picture

3. OMB Flexibilities

4. OCTAE COVID 19 Policies

5. Period of Availability of Funding for Locals/Colleges

8. Perkins Implementation Issues

9. Pertinent EDGAR Requirements

10. Walk Through of Sections 134 and 135

11. Questions

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Congressional COVID-19
Updates

COVID-19 Relief Legislation

- Four rounds so far...
 1. Coronavirus Preparedness and Response Supplemental Appropriations Act (March 6th)
 2. Families First Coronavirus Response Act (March 18th)
 3. **Coronavirus, Aid, Relief, and Economic Security Act (March 27th)**
 4. Paycheck Protection Program and Health Care Enhancement Act (April 24th)

Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

- Individual checks to Americans
- Small business loans
- Expanded unemployment
- \$30.9 billion in funding for U.S. Dept. of Education
- Flexibilities for education grants



CARES Act Education Stabilization Fund

- \$3 billion Governor's Education Emergency Relief Fund (GEERF) allocated to governors by formula
 - 60% based on population ages 5 to 24
 - 40% based on children in poverty as defined by ESEA
- Governors decide how much allocated to LEAs and IHEs
 - Based on those most impacted by pandemic and those deemed essential to provide educational services, child care
 - LEAs must provide equitable services
- ED [application](#)

CARES Act Education Stabilization Fund



- \$14 billion for Higher Education Emergency Relief Fund
 - 90 percent to be distributed to IHEs by formula
 - Based partly on full-time Pell recipients and partly on total student enrollment
 - Half of funds received by IHE must be used emergency financial aid grants to students
 - Other half can be used flexibly to cover costs associated with changes in delivery of instruction
 - May provide additional emergency financial aid grants with institutional funds
- [Grant application materials](#)

CARES Act Education Stabilization Fund

- \$13.5 billion for elementary and secondary education
 - Distributed to States, then LEAs based on share of Title I ESEA
 - Can be used for wide variety of federal education activities, including career and technical education
 - Must provide equitable services to non-public schools
 - FAQs released 4/30: <https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf>

CARES Act Education Funding

- Any States receiving funds under Education Stabilization Fund are subject to MOE requirement
 - Must maintain effort for FYs 2020 and 2021 at the same levels of at least the three previous fiscal years
 - Provides authority for Secretary to waive due to a "precipitous decline in financial resources"
- No SNS provision for these funds
- Must try to pay employees and contractors during this time to the extent possible
- Timeline for all funds:
 - ED must approve application within 30 days of receipt

Relaunching America's Workforce Act

- Would authorize funding and flexibility for workforce programs in response to COVID-19 impact
- \$1 billion for Perkins V
- Perkins flexibilities:
 - Retention of funds for subrecipients;
 - Pooling of funds; and
 - Professional development.
- Funding and flexibilities for WIOA programs



The Funding Picture



Perkins State Grant Funding Levels

Fiscal Year	Funding Level	Percent Change from Prior Year
2019 (received on July 1, 2019)	\$1,262,598,000	+5.87%
2020 (will receive on July 1, 2020)	\$1,282,598,000	+1.58%

New Mexico Perkins Grant Funding Levels

Fiscal Year	Funding Level	Percent Change from Prior Year
2019 (received on July 1, 2019)	\$9,206,169	+5.8%
2020 (will receive on July 1, 2020)	\$9,352,796	+1.59%

President's Budget Request FY 2021

- Fiscal year that begins on October 1; sent to States on July 1, 2021
- Increase of \$680 million for Perkins State Grants, or 53 percent
- Proposes increasing H-1B visa fees and directing 15 percent of extra funds to Perkins State Grants
 - Estimated to generate an additional \$117 million

What to Expect for FY 2021 Funding

- Due to COVID-19, upcoming November elections...
 - Likely to have an extended continuing resolution
 - Final funding levels may not be determined until early 2021
- Do not expect major increases in funding
 - Level-funding compared to FY 2020; OR
 - Minor cuts across the board

OMB COVID Flexibility



OMB COVID-19 Guidance (M-20-17) – March 19, 2020

- Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations
 - This memorandum provides short term relief for the requirements under 2 CFR Part 200 without compromising accountability requirements.
- **Applies to All Federal Grants!**
- OMB will review this flexibility in 90 days.

ED COVID Guidance

- April 8, 2019
 - ED responded in part to OMB flexibility!

Fact Sheet: Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019

OMB COVID-19 Guidance (cont.)

- | | |
|--|-----------------------------------|
| 1. SAM registration | 7. Cancellation fees allowability |
| 2. Application deadline flexibility | 8. Waivers from prior approval |
| 3. Waiver of Notice of Funding Opportunities | 9. Procurement exemptions |
| 4. No-cost extensions | 10. Reporting extensions |
| 5. Abbreviated non-competitive continuation | 11. Indirect cost rate extensions |
| 6. Salary and benefits allowability | 12. Closeout extensions |
| | 13. Single audit extension |

ED Fact Sheet



May a grantee or subgrantee continue to pay the compensation of an employee paid with grant funds from ED during the period the employee is unable to work because his or her organization is closed due to novel Coronavirus Disease 2019 (COVID-19)?

- Yes. Generally, a grantee or subgrantee may continue to charge the compensation
 - Consistent with the organization's policies and procedures re: emergencies
 - The grantee or subgrantee may amend or create a policy in order to put emergency contingencies in place for Federal and non-Federal similarly situated employees.

ED Fact Sheet (cont.)

- However, an employee who is being paid with Department grant funds while the program grant activities are closed in whole or in part due to the COVID-19 pandemic may not also be paid for the time during which the program is closed by the organization or another organization for working on other activities that are not closed down.
- Maintain appropriate records and cost documentation.
- At the same time, recipients should consider ways that employees paid with grant funds can support continuing activities, including distance learning opportunities for students served by the grant.



ED Fact Sheet (cont.)

If a conference, training, or other activity related to a grant from the Department is cancelled due to COVID-19, may grant funds be used to reimburse nonrefundable travel (e.g., conveyance or lodging) or registration costs that were properly chargeable to the grant at the time of booking?

- Yes, provided that a grantee or subgrantee first seeks to recover nonrefundable costs (e.g., travel, registration fees).
 - Refunds, credits, and other remedies
 - Must seek to exercise "Act of God" clauses to the extent possible in light of the COVID-19 outbreak.



ED Fact Sheet (cont.)

- If unable to recover the costs, may charge the appropriate grant for the cancellation costs, provided the costs were reasonable and incurred in order to carry out an allowable activity under the grant.
- Grantees and subgrantees should not assume additional funds will be available.
- Must maintain appropriate records and cost to substantiate the charging of any cancellation or other fees related to the interruption of operations or services.

ED Fact Sheet (cont.)

If a grantee or subgrantee is planning future travel under a grant from the Department, may it purchase travel insurance with grant funds?

- Due to health concerns related to COVID-19, grant-supported travel generally should not be occurring.
- However, if travel is permitted and is the only means to carry out an essential grant function that must be undertaken on a time-sensitive basis during the COVID-19 pandemic,
- Consistent with the grantee's or subgrantee's travel policy, travel insurance is allowable provided the cost is reasonable and allocable to the grant consistent with the Federal cost principles described in 2 CFR Part 200 Subpart E of the Uniform Guidance.

OCTAE COVID-19 Policies

OCTAE GUIDANCE, Round One, (3/31/20)



Additional Time on Submission of State Plan



- If Submitted by June 15, First Installment by July 1



- If Submitted by September 15, First Installment by July 1 under Transition Authority



- State May Award Subgrant w/o Approved Local Application under 34 CFR 76.708 of EDGAR (Substantially Approvable) to Permit obligations

- Locals May Submit Substantially Approvable Plans Up to Three Months Late



OCTAE GUIDANCE, Round Two (4/10/2020)



- In person consultation with stakeholders not required for L/A or CLNA



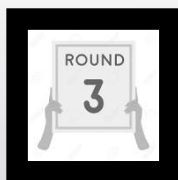
- States not required to submit performance data on Section 113(b) core indicators for FY 19-20



- States may revise levels of performance if unanticipated circumstances for FY20-21



OCTAE GUIDANCE, ROUND THREE



- Per OMB Memo 20-20, grantees may loan or donate personal protection equipment and other medical supplies



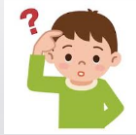
- Secretary's Tydings Amendment Waiver (4/16/20)



- Secretary May Waive GEPA Section 421 (b) for FY 2018 funds to Expire on 9/30/21 for "SEAs"



- What is the Tydings Amendment?



- DeVos Report to Congress on Recommended Waivers (4/27/20)



- Tydings Waiver for non-SEA States



- Waiver of Section 133(b) for local carry forward of funds available July 1, 2019 to June 30, 2020



- The Effect of the Section 133(b) Waiver makes Locals/colleges subject to Tydings Amendment



- Waiver of Professional Development one time/ stand alone provision



ED's Cost Allocation Guide

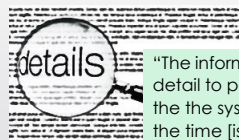
- "[Charges] must be based on records that accurately reflect the work performed, must be supported by system of internal controls, and meet the other general requirements in 2 CFR 200.430(i)"
- "The uniform guidance elevated the role of internal controls"
- "[I]t also establishes critical parameters within which that flexibility must be exercised"
- "Department grantees that do not adhere to these parameters in documenting personnel expenses charged to federal grants could face questioned costs in audit findings"

ED's Cost Allocation Guide (cont.)

Time and Effort Policies and Procedures:

1. Completion of time and attendance reporting;
2. Approval cycle that is required;
3. Processing of personnel charges to federal awards; and
4. Internal review process that will be established to ensure effective internal control over the award.

ED's Cost Allocation Guide (cont.)



"The information should be of sufficient detail to permit an understanding of how the system will operate from the point the time [is] worked to the point the time is recorded in the accounting records and charged to federal awards."

KEY ISSUES

PERKINS V IMPLEMENTATION ISSUES

- Most significant change from Perkins IV to Perkins V → Federally funded expenditures must be aligned to CLNA



- All new local planning requirements
 - Section 134(b) → nine elements
 - Section 134(c) → CLNA – five requirements



- Section 134(b)(2) – aligning federal expenditures to CLNA
- Section 134(b)(8) – strategies to address performance gaps



Emerging Issues



Issue #1

2 CFR 200.314/Sec. 135(b)(5)(D)
Support for "Consumables"



- The UGG imposes no bar on non-consumables
- Perkins allows for "materials"

Issue #2

Section 211

Supplanting

- Guidance in cross cutting section of OMB Compliance Supplement
- Required by state/local law text
- Nonfederal expenditures in prior year
 - What does "non-federal" mean?
- Focus on new/different/revised



CAUTION!!

- If Trump proposal for 50% increase materializes, focus on supplanting.



Issue #3

Section 3(43)

Recognized Postsecondary Credential

- Conflict between WIOA and Perkins V
- Amending definition of Section 3(20)
 - Eligible Institution
- Does it only impact Section 132?



Issue #4

Section 135(b)(5)

Eliminating out-of-pocket expenses

- Allow for direct cash payments?
- Internal controls



Issue #5

Section 224

Student Financial Assistance/Attendance Costs/Tuition

- Perkins V does allow for payment of student tuition costs



Issue #6

Section 135(b)(5)(n)

Providing CTE to out-of-school youth to complete secondary school

- A WIOA constituency
- Legal challenges

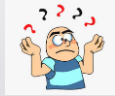


Issue #7

Section 134(b)(6)

Work-based learning opportunities in local application

- Difference between coop + w/b
- Challenges for rural recipients



EDGAR Requirements for Perkins Recipients

2 CFR Part 200; 34 CFR Part 76

What Is EDGAR?

Education Department General Administrative Regulations

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>



Key Sections of EDGAR

- Title 34
 - Part 75 – Direct Grant Programs
 - Part 76 – State-Administered Programs
 - Part 77 – Definitions
 - Part 81 – General Education Provisions Act (GEPA)
- Title 2
 - Part 200 – Cost/Administrative/Audit Rules
 - Part 3474 – USDE Exceptions – Officially Adopts Part 200
 - Part 3485 – Nonprocurement Debarment and Suspension
 - Incorporates 2 CFR Part 180, OMB's Guidelines on Debarment and Suspension

Written Procedures: Must or Should?

- | | |
|--|--|
| <ul style="list-style-type: none"> • Cash Management Procedures - 200.302(b)(6) & 200.305 • Allowability Procedures - 200.302(b)(7) • Managing Equipment – 200.313(d) • Conflicts of Interest Policy - 200.318(c) • Procurement Procedures - 200.319(c) • Method for Conducting Tech Evals of Proposals - 200.320(d)(3) • Travel Policy - 200.474(b) | <ul style="list-style-type: none"> • Time and Effort Procedures - "essential" ED, Cost Allocation Guide (agency specific) • Subrecipient Monitoring Procedures – required by Compliance Supplement • Grant Application Procedures • Record Retention Procedures • Audit Resolution Procedures • Program-specific Procedures |
|--|--|

Financial Management 200.302

(a) States – follow their own rules!

(b) Everyone else – seven standards.

1. Identification in accounts
2. Financial reporting
3. Accounting records
4. Internal controls, internal controls, internal controls
5. Budget control
6. Written procedures for cash management
7. Written procedures for determining allowability



Payment 200.305(b)(1)-(4)

- Written procedures must describe whether non-federal entity uses:
 - 1) Advance Payments
 - Limited to minimum amounts needed to meet immediate cash needs
 - Subject to cash management requirements
 - 2) Reimbursement
 - Pass through must make payment within 30 calendar days after receipt of the billing
 - Initial payments made with state/local funds

Cash Management 200.305 (a) and (b)

- For non federal entities, payments must minimize time elapsing between draw down and disbursement (not obligation)
- Cash advances must be maintained in insured accounts
 - Accounts must be interest bearing unless:
 1. Aggregate federal awards under \$120,000
 2. Account not expected to earn in excess of \$500 per year
 3. Bank require minimum balance so high, that such account not feasible
- Interest earned must be remitted annually to HHS Payment Management System
 - Interest amounts up to \$500 may be retained by non federal entity for administrative purposes.

Procurement Standards 200.318

- All nonfederal entities must have documented procurement procedures which reflect applicable Federal, State, and local laws and regulations.
 - Open and Full Competition (Maximum Extent Possible)
 - Specific Thresholds for Purchasing
 - Prohibited In-State and Local Preferences
 - Contract Administration System
 - Conflict of Interest Rules
 - Mandatory Disclosures

Contract Administration 200.318(b)

- Nonfederal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of the contract

Methods of Procurement 200.320

- Methods of procurement:
 - Micro-purchase
 - Small purchase procedures
 - Competitive sealed bids
 - Competitive proposals
 - Noncompetitive proposals

Micro-Purchase 300.320(a)

- Acquisition of supplies and services \$10,000* or less.
- May be awarded without soliciting competitive quotations if nonfederal entity considers the cost reasonable.
- To the extent practicable must distribute micro-purchases equitably among qualified suppliers.

* Increased per June 2018 OMB Memo www.brubaker.com

Small Purchase Procedures 300.320(b)

- Good or service that costs **\$10,000.01 – \$250,000***
- "Relatively simple and informal"
- Must obtain price or rate quotes from **2** or more qualified sources

* Increased per June 2018 OMB Memo www.brubaker.com

Noncompetitive Proposals 200.320(f)



- Appropriate only when:
 - **Proposed UGG updates: Micro-purchases**
 - The item is only available from a single source;
 - **There is a public emergency for the requirement that will not permit delay resulting from competitive solicitation;**
 - The Federal awarding agency or pass-through expressly authorizes noncompetitive proposals in response to a written request from non-Federal entity; or
 - After soliciting a number of sources, competition is determined inadequate.

Suspension and Debarment 2 CFR 180.300

- For contracts over \$25,000 ("covered transaction" 3485.220) you must verify that the person with whom you intend to do business is not excluded or disqualified.
- This **MUST** be done by either:
 - a. Checking SAM; or
 - b. Collecting a certification from that person; or
 - c. Adding a clause or condition to the covered transaction with that person.

Inventory: Definitions

- Equipment (200.33): Equipment: tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.
- Supplies (200.94): All tangible personal property other than equipment
- Computing Devices?

Internal Controls – 200.302(b)(4)

- Regardless of cost, grantee must maintain effective control and "safeguard all assets and assure that they are used solely for authorized purposes."

Use of Equipment – 200.313(c)

- Equipment must be used by the Non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award.
- When used it must be shared, provided such use will not interfere with work on the original projects/programs, and it follows this order of priority:
 - First by other ED programs
 - Then open to other federal programs
 - Non-federal programs



Replacement?

- 200.313(c)(4) – May use sale price of old equipment towards purchase price of replacement equipment
 - Calculate new federal share!

Inventory Procedures – 200.313(d)

- Property records
 - Description, serial number or other ID, source of funding, title, acquisition date and cost, percent of federal participation, location, use and condition, and ultimate disposition date including sale price
- Physical inventory at least every two years
- Control system to prevent loss, damage, theft
 - All incident must be investigated
- Adequate maintenance procedures
- If authorized or required to sell property, proper sales procedures to ensure highest possible return.

Disposition – 200.313(c)(1) & (e)

- When no longer needed, may be used in other activities with the following priority:
 - Projects supported by Federal awarding agency
 - Project funded by other Federal agencies
- When property is no longer needed in any current or previously Federally-funded supported activity, must follow disposition rules
 - Fair market value > \$5,000 = pay federal share back to awarding agency
 - Fair market value of \$5,000 = no money owed back to feds
- Supplies (200.314): Depends on value of residual inventory of unused supplies

Allowability: Period of Performance 200.77

- Means the time during which the entity may incur new obligations to carry out the work authorized under the Federal award.



Obligations 200.71

- Obligation = Means orders placed for property and services, contracts and subawards made and similar transactions during a given period that require payment during the same or a future period.
- Reimbursement Process
 - Obligation
 - Liquidation
 - Payment
 - Drawdown



When Obligations Are Made 34 CFR 76.707

Type of Obligation	When Obligation Occurs
Acquisition of Property	Date of binding written commitment
Personal Services by Employee	When services are performed
Personal Services by Contractor	Date of binding written commitment
Travel	When travel is taken
Approved Pre-Agreement Cost	On the first day of the grant or subgrant performance period.

Basic Factors of Allowability 200.403

To be allowable, a cost must:

- Be **necessary, reasonable** and **allocable**
- Comply with the cost principles and federal award
- Be consistent with policies and procedures applying uniformly to federal and nonfederal activities and costs
- Be consistently treated as either direct or indirect costs
- Be determined in accordance with GAAP
- Not be included or used to meet cost sharing / match requirements
- Must be net of applicable credits (see 200.406)
- Be adequately **documented**

Direct vs. Indirect 200.413(c)

- Salaries of administrative and clerical staff should be treated as "indirect" unless all of following are met:
 - Such services are integral to the activity
 - Individuals can be specifically identified with the activity
 - Such costs are explicitly included in the budget
 - Costs not also recovered as indirect

Participant Support Costs 200.456



- Direct costs in connection with conferences or training projects pail on behalf of participants or trainees (but not employees)
- Allowable, but only with prior approval.

Travel 200.474

- ❖ Travel costs may be charged on actual, per diem, or mileage basis
- ❖ Travel charges must be consistent with entity's **written** travel reimbursement policies
- ❖ Allows costs for "above and beyond regular dependent care"
- ❖ Grantee must retain documentation that participation of individual is necessary for the project

Personnel Documentation 200.430(i)(1)

Time and effort records must accurately reflect the work performed and:

1. Be supported by a system of internal controls which provides reasonable assurance charges are accurate, allowable and properly allocated;
2. Be incorporated into official records;
3. Reasonably reflect total activity for which employee is compensated;
 - Not to exceed 100%
4. Encompass all activities (federal and non-federal);
5. Comply with established accounting policies and practices; and
6. Support distribution among specific activities or cost objectives.

Requires Time By Cost Objective

- What is a cost objective? 200.28
 - Activities
 - Mandated set-asides
 - Mandatory minimums
 - Anything that requires separate cost accounting
- Examples 200.430(vii):
 - More than one Federal award, a Federal award and a non-Federal award, an indirect and direct cost activity, etc.
 - 10% administrative set-aside, 1% mandatory minimum, etc.



Reconciliation - 200.430(i)(1)(viii)(C)

- All necessary adjustment must be made such that the final amount charged to the Federal award is accurate, allowable, and properly allocated.



Sec. 134 – Local Application for Career and Technical Education

(a) LOCAL APPLICATION REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational training entities as the eligible agency determines to be appropriate) submit a local application to the eligible agency. Such local application shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

(b) CONTENTS.—The eligible agency shall determine the requirements for local applications, except that each local application shall contain—

- (1) a description of the results of the comprehensive needs assessment conducted under subsection (c);
- (2) information on the career and technical education course offerings and activities that the eligible recipient will provide with funds under this part, which shall include not less than 1 program of study approved by a State under section 124(b)(2), including—

(A) how the results of the comprehensive needs assessment described in subsection (c) informed the selection of the specific career and technical education programs and activities selected to be funded; and

(B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval.



(b) CONTENTS (cont.)

- (C) how students, including students who are members of special populations, will learn about their school's career and technical education course offerings and whether each course is part of a career and technical education program of study;
- (3) a description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, one-stop delivery systems described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2)), and other partners, will provide—
- (A) career exploration and career development coursework, activities, or services;
- (B) career information on employment opportunities that incorporate the most up-to-date information on high-skill, high-wage, in-demand industry sectors or occupations, as determined by the comprehensive needs assessment described in subsection (c); and
- (C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

- (4) a description of how the eligible recipient will improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the subjects that constitute a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);
- (5) a description of how the eligible recipient will—
- (A) provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency;
- (B) prepare CTE participants for non-traditional fields;
- (C) provide equal access for special populations to career and technical education courses, programs, and programs of study; and
- (D) ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;



- (6) a description of the work-based learning opportunities that the eligible recipient will provide to students participating in the career and technical education programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for career and technical education students, as applicable;
- (7) a description of how the eligible recipient will provide students participating in career and technical education programs with the opportunity to gain postsecondary credit while still attending high school, such as through dual or concurrent enrollment programs or early college high school, as practicable;
- (8) a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development of teachers, faculty, administrators, and specialized instructional support personnel and paraprofessionals who meet applicable State certification and licensure requirements (including any requirements obtained through alternative routes to certification), including individuals from groups underrepresented in the teaching profession; and
- (9) A description of how the eligible recipient will address disparities or gaps in performance as described in section 113(b)(3)(C)(i)(II) in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions such recipient will take to eliminate these disparities or gaps.

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(c) COMPREHENSIVE 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 includes 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 under 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)(i) 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

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(b) a description of how career and technical education programs offered by the eligible recipient are (cont.)

(i)(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;

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

(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;

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(d) CONSULTATION (cont.)

(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.

(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. 491-2(e)(2)(C));

(D) designed to meet current, intermediate, or long-term labor market projections; and

(E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure programs of study align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;

(3) identify and encourage opportunities for work-based learning; and

(4) ensure funding under this part is used in a coordinated manner with other local resources.





Sec. 135 – Local Uses of Funds

(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds 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).

(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 are of sufficient size, scope, and quality to be effective, 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) REQUIREMENTS FOR USES OF FUNDS (cont.)



(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; or

(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) provide students with strong experience in, and comprehensive understanding of, all aspects of an industry;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

(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. 49f-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;



(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (I) 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
- (J) 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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (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)(V) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(V)), 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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)



- (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)** 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;

(b) REQUIREMENTS FOR USES OF FUNDS (cont.)

- (5) 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
 - (7) other activities to improve career and technical education programs; and
 - (4) 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).
- (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).
- (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.



Sec. 3 – Definitions

Unless otherwise specified, in this Act:

- (1) ADMINISTRATION.**—The term "administration", when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including the supervision of such activities. Such term does not include curriculum development activities, personnel development, or research activities.
- (2) ALL ASPECTS OF AN INDUSTRY.**—The term "all aspects of an industry" means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.
- (3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.**—The term "area career and technical education school" means:



- (A)** a specialized public secondary school used exclusively or principally for the provision of career and technical education to all individuals who are available for study in preparation for entering the labor market;
- (B)** the department of a public secondary school exclusively or principally used for providing career and technical education in not fewer than 3 different fields that are available to all students, especially in high-skill, high-wage, or in-demand industry sectors or occupations;

(3) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term 'area career and technical education school' means (cont.)—

(C) a public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school; or

(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than 3 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

(4) ARTICULATION AGREEMENT.—The term 'articulation agreement' means a written commitment—

(A) that is agreed upon at the State level or approved annually by the lead administrators of—

(i) a secondary institution and a postsecondary educational institution; or

(ii) a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

(B) to a program that is—

(i) designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and

(ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).



(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that—

(A) offer a sequence of courses that—

(i) provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions, which may include high-skill, high-wage, or in-demand industry sectors or occupations, which shall be, at the secondary level, aligned with the challenging State academic standards adopted by a State under section 11111(b)(1) of the Elementary and Secondary Education Act of 1965;

(ii) provides technical skill proficiency or a recognized postsecondary credential, which may include an industry-recognized credential, a certificate, or an associate degree;

(iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph;



(5) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' means organized educational activities that *(cont.)*—

(B) include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual;

(C) to the extent practicable, coordinate between secondary and postsecondary education programs through programs of study, which may include coordination through articulation agreements, early college high school programs, dual or concurrent enrollment program opportunities, or other credit transfer agreements that provide postsecondary credit or advanced standing; and

(D) may include career exploration at the high school level or as early as the middle grades (as such term is defined in section 8101 of the Elementary and Secondary Education Act of 1965).

(6) CAREER AND TECHNICAL STUDENT ORGANIZATION.—



(A) **IN GENERAL.**—The term 'career and technical student organization' means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

(B) **STATE AND NATIONAL UNITS.**—An organization described in subparagraph (A) may have state and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

(7) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means guidance and counseling that—

(A) provides access for students (and, as appropriate, parents and out-of-school youth) to information regarding career awareness exploration opportunities, and planning with respect to an individual's occupational and academic future;

(7) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means guidance and counseling that *(cont.)*—



(B) provides information to students (and, as appropriate, parents and out-of-school youth) with respect to career options, financial aid, job training, secondary and postsecondary options (including associate and baccalaureate degree programs), dual or concurrent enrollment programs, work-based learning opportunities, early college high schools, financial literacy, and support services, as appropriate; and

(C) may provide assistance for special populations with respect to direct support services that enable students to persist in and complete career and technical education, programs of study, or career pathways.

(8) CAREER PATHWAYS.—The term 'career pathways' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(9) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 4310 of the Elementary and Secondary Education Act of 1965.

(10) COOPERATIVE EDUCATION.—The term "cooperative education" means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—



(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

(B) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(11) CREDIT TRANSFER AGREEMENT.—The term "credit transfer agreement" means a formal agreement, such as an articulation agreement, among and between secondary and postsecondary education institutions or systems that grant students transcribed postsecondary credit, which may include credit granted to students in dual or concurrent enrollment programs, early college high school, dual credit, articulated credit, and credit granted on the basis of performance on technical or academic assessments.

(12) CTE CONCENTRATOR.—The term "CTE concentrator" means—

(A) at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study; and

(B) at the postsecondary level, a student enrolled in an eligible recipient who has—

(i) earned at least 12 credits within a career and technical education program or program of study; or

(ii) completed such a program if the program encompasses fewer than 12 credits or the equivalent in total.

(13) CTE PARTICIPANT.—The term "CTE participant" means an individual who completes not less than one course in a career and technical education program or program of study of an eligible recipient.

(14) DIRECTOR.—The term "Director" means the Director of the Institute of Education Sciences.

(15) DUAL OR CONCURRENT ENROLLMENT.—The term "dual or concurrent enrollment" as the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(16) EARLY COLLEGE HIGH SCHOOL.—The term "early college high school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(17) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(18) ELIGIBLE AGENCY.—The term "eligible agency" means a State board designated or created consistent with State law as the sole State agency responsible for the administration of career and technical education in the State or for the supervision of the administration of career and technical education in the State.

(19) ELIGIBLE ENTITY.—The term "eligible entity" means a consortium that includes the following:

(A) representatives of not less than 2 of the following categories of entities, 1 of which shall serve as the fiscal agent for the consortium:

(i) a local educational agency or consortium of such agencies.



(19) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium that includes the following:

- (A) representatives of not less than 2 of the following categories of entities, 1 of which shall serve as the fiscal agent for the consortium (*cont.*):
 - (i) an educational service agency serving secondary school students.
 - (ii) An area career and technical education school or a consortium of such schools.
 - (iii) An Indian Tribe, Tribal organization, or Tribal education agency.
 - (iv) An institution of higher education whose most common degree awarded is an associate degree, or a consortium of such institutions.
 - (v) An institution of higher education whose most common degree awarded is a bachelor’s or higher degree, or a consortium of such institutions.
 - (vi) A State educational agency.

(19) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium that includes the following:

- (A) representatives of not less than 2 of the following categories of entities, 1 of which shall serve as the fiscal agent for the consortium (*cont.*):
 - (i) an educational service agency serving secondary school students.
 - (ii) An area career and technical education school or a consortium of such schools.
 - (iii) An Indian Tribe, Tribal organization, or Tribal education agency.
 - (iv) An institution of higher education whose most common degree awarded is an associate degree, or a consortium of such institutions.
 - (v) An institution of higher education whose most common degree awarded is a bachelor’s or higher degree, or a consortium of such institutions.
 - (vi) A State educational agency.



(19) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a consortium that includes the following (*cont.*):

- (B) One or more business or industry representative partners, which may include representatives of local or regional businesses or industries, including industry or sector partnerships in the local area, local workforce development boards, or labor organizations.
- (C) One or more stakeholders, which may include—
 - (i) parents and students;
 - (ii) representatives of 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 (20 U.S.C. 6472));
 - (iii) representatives of Indian tribes and Tribal organizations, where applicable;
 - (iv) representatives of minority-serving institutions (as described in paragraphs (1) through (7) of section 371 (a) of the Higher Education Act of 1965 (20 U.S.C. 1067(a)), where applicable;
 - (v) representatives of special populations;
 - (vi) representatives of adult career and technical education providers; or
 - (vii) other relevant community stakeholders.

(20) ELIGIBLE INSTITUTION.—The term “eligible institution” means—



- (A) a consortium of 2 or more of the entities described in subparagraphs (B) through (F);
- (B) a public or nonprofit private institution of higher education that offers and will use funds provided under this title in support of career and technical education courses that lead to technical skill proficiency or a recognized postsecondary credential, including an industry-recognized credential, a certificate, or an associate degree, except that for the purpose of section 132, the term “recognized postsecondary credential” as used in this subparagraph shall not include a baccalaureate degree;
- (C) a local educational agency providing education at the postsecondary level;
- (D) an area career and technical education school providing education at the postsecondary level;
- (E) an Indian tribe, Tribal organization, or Tribal education agency that operates a school or may be present in the State;
- (F) a postsecondary educational institution controlled by the Bureau of Indian Education or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or the Act of April 16, 1934 (25 U.S.C. 5342 et seq.);
- (G) a tribally controlled college or university; or
- (H) an educational service agency.

(21) ELIGIBLE RECIPIENT.—The term “eligible recipient” means—

- (A) a local educational agency (including a public charter school that operates as a local educational agency), an area career and technical education school, an educational service agency, an Indian tribe, Tribal organization, or Tribal educational agency, or a consortium, eligible to receive assistance under section 131; or
- (B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

(22) ENGLISH LEARNER.—The term “English learner” means—

- (A) a secondary school student who is an English learner, as defined in section 8101 of the Elementary and Secondary Education Act of 1965; or
- (B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—
 - (i) whose native language is a language other than English; or
 - (ii) who lives in a family environment or community in which a language other than English is the dominant language.

(23) EVIDENCE-BASED.—The term “evidence-based” has the meaning given the term in section 8101(21)(A) of the Elementary and Secondary Education Act of 1965.

(24) GOVERNOR.—The term “Governor” means the chief executive officer of a State.

(25) HIGH SCHOOL.—The term “high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(26) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—The term “in-demand industry sector or occupation” has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(27) INDIAN; INDIAN TRIBE.—The terms “Indian” and “Indian Tribe” have the meanings given the terms “Indian” and “Indian Tribe,” respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(28) INDIVIDUAL WITH A DISABILITY.—



- (A) **IN GENERAL.**—The term “individual with a disability” means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).
- (B) **INDIVIDUALS WITH DISABILITIES.**—The term “individuals with disabilities” means more than 1 individual with a disability.

(29) INDUSTRY OR SECTOR PARTNERSHIP.—The term ‘industry or sector partnership’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(30) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965.

(31) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(32) LOCAL WORKFORCE DEVELOPMENT BOARD.—The term ‘local workforce development board’ means a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3122).

(33) NON-TRADITIONAL FIELDS.—The term ‘non-traditional fields’ means occupations or fields of work, such as 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.

(34) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(35) OUT-OF-SCHOOL YOUTH.—The term ‘out- of-school youth’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(36) OUT-OF-WORKFORCE INDIVIDUAL.—The term ‘out-of-workforce individual’ means—

(A) an individual who is a displaced homemaker, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

(B) an individual who—

(i)(I) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

(ii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and

(ii) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(37) PARAPROFESSIONAL.—The term ‘paraprofessional’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(38) PAY FOR SUCCESS INITIATIVE.—

(A) in general, – Subject to subparagraph (B), the term ‘pay for success initiative’ means a performance-based grant, contract, or cooperative agreement awarded by a State or local public entity (such as a local educational agency) to a public or private non-profit entity—

(i) in which a commitment is made to pay for improved outcomes that result in increased public value and social benefit to students and the public sector, such as improved student outcomes as evidenced by the indicators of performance described in section 113(b)(2), and direct cost savings or cost avoidance to the public sector; and

(ii) that includes

(I) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;



(38) PAY FOR SUCCESS INITIATIVE.—

(i) that includes (cont.)

(ii) a rigorous, third-party evaluation that uses experimental or quasi experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;

(iii) an annual, publicly available report on the progress of the initiative; and

(iv) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subparagraph (ii).

(B) Exclusion.—The term "pay for success initiative" does not include any initiative that—

(i) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act; or

(ii) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.

(39) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term "postsecondary educational institution" means—

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or other skilled training programs at the postsecondary level.

(40) PROFESSIONAL DEVELOPMENT.—The term "professional development" means activities that—

(A) are an integral part of eligible agency, eligible recipient, institution, or school strategies for providing educators (including teachers, principals, other school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals) with the knowledge and skills necessary to enable students to succeed in career and technical education; to meet challenging State academic standards under section 1111(b)(1) of the Elementary and Secondary Education Act, or to achieve academic skills at the postsecondary level; and

(40) PROFESSIONAL DEVELOPMENT.—The term "professional development" means activities that (cont.)—

(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based, and may include activities that—

(i) improve and increase educators'—

(I) knowledge of the academic and technical subjects;

(II) understanding of how students learn; and

(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of eligible recipients' improvement plans;

(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) support the recruitment, hiring, and training of effective educators, including educators who became certified through State and local alternative routes to certification;



(40) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based, and may include activities that (cont.)—

(v) advance educator understanding of—

(i) effective instructional strategies that are evidence-based; and

(ii) strategies for improving student academic and technical achievement or substantially increasing the knowledge and teaching skills of educators;

(vi) are developed with extensive participation of educators, parents, students, and representatives of Indian tribes (as applicable), of schools and institutions served under this Act;

(vii) are designed to give educators of students who are English learners in career and technical education programs or programs of study the knowledge and skills to provide instruction and appropriate language and academic support services to those students, including the appropriate use of curricula and assessments;

(viii) as a whole, are regularly evaluated for their impact on increased educator effectiveness and improved student academic and technical achievement, with the findings of the evaluations used to improve the quality of professional development;

(40) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based, and may include activities that (cont.)—

(ix) are designed to give educators of individuals with disabilities in career and technical education programs or programs of study the knowledge and skills to provide instruction and academic support services to those individuals, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

(x) include instruction in the use of data and assessments to inform and instruct classroom practice;

(xi) include instruction in ways that educators may work more effectively with parents and families;

(xii) provide follow-up training to educators who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the educators are implemented in the classroom;

(xiii) promote the integration of academic knowledge and skills and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers; or

(xiv) increase the ability of educators providing career and technical education instruction to stay current with industry standards.

(41) PROGRAM OF STUDY.—The term 'program of study' means a coordinated, nonuplicative sequence of academic and technical content at the secondary and postsecondary level that—

(A) incorporates challenging State academic standards, including those adopted by a State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965;

(B) addresses both academic and technical knowledge and skills, including employability skills;

(C) is aligned with the needs of industries in the economy of the State, region, Tribal community, or local area;

(D) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction);

(E) has multiple entry and exit points that incorporate credentialing; and

(F) culminates in the attainment of a recognized postsecondary credential.



(42) QUALIFIED INTERMEDIARY.—The term 'qualified intermediary' means a non-profit entity that may be part of an industry or sector partnership, that demonstrates expertise in building, connecting, sustaining, and measuring partnerships with entities such as employers, schools, community-based organizations, postsecondary institutions, social service organizations, economic development organizations, Indian tribes or Tribal organizations, and workforce systems to broker services, resources, and supports to youth and the organizations and systems that are designed to serve youth, including—

- (A) connecting employers to classrooms;
- (B) assisting in the design and implementation of career and technical education programs and programs of study;
- (C) delivering professional development;
- (D) connecting students to internships and other work-based learning opportunities; and
- (E) developing personalized student supports.

(43) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(44) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(45) SECRETARY.—The term 'Secretary' means the Secretary of Education.

(46) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term 'specialized instructional support personnel' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(47) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term 'specialized instructional support services' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(48) SPECIAL POPULATIONS.—The term 'special populations' means—

- (A) individuals with disabilities;
- (B) individuals from economically disadvantaged families, including low-income youth and adults;
- (C) individuals preparing for non-traditional fields;
- (D) single parents, including single pregnant women;
- (E) out-of-workforce individuals;
- (F) English learners;
- (G) homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
- (H) youth who are in, or have aged out of, the foster care system; and
- (I) youth with a parent who—
 - (i) is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and
 - (ii) is on active duty (as such term is defined in section 101(a)(1) of such title).



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