

CRS Report for Congress

Received through the CRS Web

The Carl D. Perkins Vocational and Technical Education Act of 1998: Background and Implementation

Updated May 10, 2005

Rebecca R. Skinner
Analyst in Social Legislation
Domestic Social Policy Division

Richard N. Apling
Specialist in Social Legislation
Domestic Social Policy Division

The Carl D. Perkins Vocational and Technical Education Act of 1998: Background and Implementation

Summary

On October 31, 1998, President Clinton signed P.L. 105-332, the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, which reauthorized and revised the Carl D. Perkins Vocational and Applied Technology Education Act (hereafter referred to as **Perkins II**) and renamed the act the Carl D. Perkins Vocational and Technical Education Act of 1998 (hereafter referred to as **Perkins III**). Perkins III, funded at \$1.328 billion in FY2004, provides **specific** federal assistance for secondary and postsecondary vocational education, although these funds account for a small percentage of the total spent on vocational education in the United States.

Key features of Perkins III include:

- Federal-to-state funding formula based mainly on states' populations in three age groups;
- Distribution of at least 85% of funds to local level;
- Use of up to 10% of total funds for state leadership activities, including programs for individuals in state institutions (such as prisons) and services related to nontraditional programs and employment;
- Retention of up to the greater of 5% of the total grant or \$250,000 for state administration;
- Establishment of core indicators of performance with levels negotiated between each state and the Secretary of Education;
- Authorization of sanctions based on states' failing to meet these performance levels and incentive grants to states for exceeding performance levels established under Perkins and under the Workforce Investment Act (WIA, P.L. 105-220).

The final report of National Assessment of Vocational Education (NAVE) provides the most comprehensive evaluation of vocational education. Among the findings of the NAVE are that vocational education has a positive impact on earnings but may have limited impact on other student outcomes. Among its recommendations are clarifying and limiting the objectives of the act and eliminating separate funding for the Tech-Prep program, while maintaining its objectives of coordinating secondary and postsecondary vocational education.

On January 26, 2005, H.R. 366 (the Vocational and Technical Education for the Future Act) was introduced and referred to the House Committee on Education and the Workforce. On May 5, 2005, the House passed H.R. 366, as amended, by a vote of 416-9. On February 1, 2005, S. 250 (the Carl D. Perkins Career and Technical Education Improvement Act of 2005) was introduced and referred to the Senate Committee on Health, Education, Labor, and Pensions. On March 9, 2005, the Committee reported the bill without a written report. On March 10, 2005, the Senate passed S. 250, as amended, by unanimous consent.

Contents

Overview of Vocational Education	1
Brief Historical Overview of Federal Vocational Education Legislation ...	3
Federal Funding for Vocational Education	4
FY2006 Budget Request	7
Overview of the 1998 Perkins Act	7
Features of the 1998 Perkins Act	9
Authorizations and Reservation of Funds	9
State Formula	10
Allocation of State and Local Funds	12
Substate Formulas	12
State Governance	13
State Planning/Application Process	13
Performance Appraisal	14
Uses of State Funds	16
Uses of Local Funds	17
Prohibited Use of Funds	17
Tech-Prep	17
Tech-Prep Demonstration Program	18
National Programs	18
Program Elimination	19
Accountability	19
Accountability Requirements	19
State-to-State Comparisons	20
No Child Left Behind Act	21
Qualifications of Vocational Education Instructors	23
Special Populations	24
National Assessment of Vocational Education	25
Selected Legislative Action	27
H.R. 366	27
S. 250	28

List of Tables

Table 1. Perkins Act Appropriations	5
Table 2. FY2005 Estimated Perkins Basic and Tech-Prep Grants	10

The Carl D. Perkins Vocational and Technical Education Act of 1998: Background and Implementation

On October 31, 1998, President Clinton signed P.L. 105-332, the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, which reauthorized and revised the Carl D. Perkins Vocational and Applied Technology Education Act (hereafter referred to as **Perkins II**) and renamed the act the Carl D. Perkins Vocational and Technical Education Act of 1998 (hereafter referred to as **Perkins III**).¹ Perkins III, funded at \$1.328 billion in FY2004, provides **specific** federal assistance for secondary and postsecondary vocational education, although these funds account for a small percentage of the total spent on vocational education in the United States. This report presents background on vocational education and analyzes the provisions of the act. It also briefly summarizes the findings and recommendations of the final report of the 2004 National Assessment of Vocational Education (NAVE) and key legislation introduced during the 109th Congress to amend and reauthorize the Perkins Act.

On January 26, 2005, H.R. 366 (the Vocational and Technical Education for the Future Act) was introduced in the House. It was subsequently referred to the House Committee on Education and the Workforce. On March 17, 2005, the Committee reported the bill (H.Rept. 109-25). On May 5, 2005, the House passed H.R. 366, as amended, by a vote of 416-9.² On February 1, 2005, S. 250 (the Carl D. Perkins Career and Technical Education Improvement Act of 2005) was introduced in the Senate. It was subsequently referred to the Senate Committee on Health, Education, Labor, and Pensions. On March 9, 2005, the Committee reported the bill without a written report. On March 10, 2005, the Senate passed S. 250, as amended, by unanimous consent.³ An overview of both bills is provided at the end of this report.

Overview of Vocational Education

Vocational education programs provide occupational preparation mostly at the high school level and at less-than-four-year postsecondary institutions, such as

¹ Since 1984, the federal vocational education act has been named in honor of Carl D. Perkins, a former chairman of what was then the House Education and Labor Committee.

² For more information, see Roll Call Number 154.

³ For more information, see Record Vote Number 43.

community colleges. These programs are aimed mainly at the majority of high school students who do not go on to earn bachelor's degrees.⁴

At the high school level, vocational courses can be classified into three groups:

- consumer and homemaking education, preparing students for participation outside the paid labor market;
- general labor market preparation providing general skills that are not related to a particular occupational field, such as career exploration and word processing; and
- specific labor market preparation in occupational fields, such as agriculture, health care, trade and industry, electronics, and computer repair.⁵

Most **secondary vocational education** takes place in comprehensive high schools, although there are other providers such as area or regional vocational schools or centers (AVSs), vocational high schools, and career academies.⁶ Nearly all high school students complete at least one vocational education course. About 44.5% of students are either vocational concentrators (26.0% of students) or vocational explorers (18.5% of students).⁷ Vocational concentrators are students who earn three or more credits in a single occupational area (e.g., business services or agriculture). Vocational explorers are students who earn three or more credits in more than one occupational area (e.g., business services and health care).

Postsecondary vocational education has a broader array of options, some of which are in sophisticated high technology areas such as computer programming and engineering technology. Most for-credit postsecondary vocational education takes place at community colleges; for-profit proprietary schools are also important providers.⁸ In school year 1999-2000, approximately 55% of all students enrolled at

⁴ According to the National Education Longitudinal Study of 1988 (NELS: 88), 29% of the 1988 eighth-grade cohort had attained a bachelor's degree or higher by 2000. (U.S. Department of Education, National Center for Education Statistics, *Coming of Age in the 1990s: The Eighth-Grade Class of 1988 12 Years Later* (NCES 2002-321). Available online at [<http://nces.ed.gov/pubsearch>].

⁵ U.S. Department of Education, Office of the Undersecretary, Policy and Program Studies Services, *National Assessment of Vocational Education: Final Report to Congress*, (Washington, DC, 2004), fig. 2.1, p. 22. Available online at [<http://www.ed.gov/rschstat/eval/sectech/nave/index.html>]. (Hereafter cited as *NAVE Final Report*.) See below for an overview of the NAVE's findings and recommendations.

⁶ AVSs are regional vocational schools that usually serve more than one school district. Students typically attend part time and receive academic instruction in their home high school. Vocational high schools are similar to AVSs but usually serve students in one large school district. Students attend these schools full time, receiving both academic and vocational instruction. Career academies usually focus on preparing students for one or two career clusters such as health or finance.

⁷ *NAVE Final Report*, p. 24 (based on high school students in 2000).

⁸ *NAVE Final Report*, table 3.1, p. 119.

less-than-four-year public institutions and proprietary institutions reported that they were majoring in vocational areas.⁹

Brief Historical Overview of Federal Vocational Education Legislation¹⁰

Federal funding for vocational education was initiated with the passing of the Smith-Hughes Act in 1917.¹¹ About 30 years later, the George-Barden Act (P.L. 80-402) expanded federal support of vocational education. The National Defense Education Act (P.L. 85-864), signed into law in 1958, focused on improving instruction in science, mathematics, foreign languages, and other critical areas. It also provided additional funding for vocational education to prepare individuals for technical occupations related to national defense.

In 1963, the Vocational Education Act (P.L. 88-210) was signed into law. In addition to increasing federal support for vocational education schools, the act also provided funding for vocational work-study programs and research, training, and demonstration programs related to vocational education.

Five years later, the Vocational Education Amendments of 1968 (P.L. 90-576) modified the existing vocational education programs. The Amendments also established a National Advisory Council on Vocational Education and provided funding for collecting and disseminating information about programs administered by the Commissioner of Education.

In 1984, the Vocational Education Act was renamed the Carl D. Perkins Vocational Education Act (Perkins I, P.L. 98-524). While continuing federal support for vocational education, it established programs emphasizing the acquisition of job skills through both vocational and technical education. The act also sought to make vocational education programs accessible to “special populations,” including

⁹ About 10% of students enrolled in less-than-four-year postsecondary institutions and proprietary institutions did not declare a major, and there were no data on about 4% of students. CRS analysis of the 1999-2000 National Postsecondary Student Aid Survey (NPSAS: 2000). It should be noted that the percentage of students majoring in vocational areas is dependent upon how vocational students attending less-than-4-year postsecondary institutions are defined. For this analysis, CRS relied on the classification of academic and vocational courses for less-than-four-year postsecondary institutions included in the U.S. Department of Education, National Center for Education Statistics report, *Vocational Education in the United States: The Early 1990s*, 1995, fig. 2, p. 6. (Available online at [<http://nces.ed.gov/pubs95/95024.pdf>]). This classification scheme classifies agriculture, business and office, marketing and distribution, health, home economics, technical education (i.e., protective services, computers/data processing, engineering/science technologies, and communication technologies), and trade industry courses as vocational education.

¹⁰ Except as noted, information for this section was derived from the U.S. Department of Education, *Digest of Education Statistics: 2001* (Washington, DC, 2002), pp. 409-418, or directly from the cited public laws.

¹¹ The Smith-Hughes Act was repealed by the Balanced Budget Act of 1997 (P.L. 105-33).

individuals with disabilities, disadvantaged individuals, single parents and homemakers, and incarcerated individuals.

The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Perkins II, P.L. 101-392) made several revisions to the 1984 Act. Notably, the act created the tech-prep program designed to coordinate secondary and postsecondary vocational education activities into a coherent sequence of courses. The law also provided up to 25% of funds for state programs and required that at least 75% of funds be allocated to local recipients. Most set-asides for “special populations” were removed from the legislation, but the program remained focused on providing members of special populations with access to high-quality vocational education. These populations included disadvantaged and disabled students, limited English-proficient students, and students enrolled in programs to eliminate sex bias. Programs to eliminate sex bias were designed to prepare students for nontraditional training and employment (e.g., training women to be welders or men to be nurses). The law also required states to develop and implement performance standards and measures (e.g., program completion and job placement) to assess gains in learning and in program performance.¹²

Federal Funding for Vocational Education

Perkins III is the main source of **specific** federal funding for vocational education.¹³ Funded at \$1.326 billion in FY2005, the act probably provides less than 10% of national spending on vocational education, although no precise calculation of the amount the U.S. spends on vocational education is available.¹⁴

As **Table 1** shows, funding has increased modestly since FY1999. Total funding was about \$1.15 billion in FY1999 and about \$1.326 billion in FY2005 (a 14.9% increase).¹⁵ Appropriations for Perkins basic state grants increased 15.2% (from \$1.01 billion to \$1.17 billion). Between FY1999 and FY2005, tech-prep appropriations decreased by 0.2%.¹⁶ However, between FY1991 (its first year of funding) and FY1998, tech-prep appropriations jumped from \$63 million to \$103 million (a 63.5% increase).

¹² For further information, see archived CRS Report 91-675, *Vocational Education: Major Provisions of the 1990 Amendments (P.L. 101-392)*, by Paul M. Irwin and Richard N. Apling (available from the authors: 7-7573 or 7-7352).

¹³ Considerably more federal funding is provided indirectly for postsecondary vocational education through loans and grants to students attending community colleges and proprietary schools who may enroll in vocational programs.

¹⁴ FY2005 appropriations include the across-the-board reduction as calculated by ED. These estimates are subject to change.

¹⁵ Funding increased from about \$1.01 billion to about \$1.15 billion (a 13.5% increase) from FY1991 to FY1998 under the 1990 Perkins Act.

¹⁶ Tech-prep appropriations peaked at \$108 million in FY2002.

Table 1. Perkins Act Appropriations
(in \$000s)

Programs	Fiscal year								
	1999	2000	2001	2002	2003	2004	2005	% of total for 2005	% change 1999 to 2005
Basic grants									
Basic state grants	\$1,013,129	\$1,037,704	\$1,075,360	\$1,153,568	\$1,165,495	\$1,168,240	\$1,167,578	88.0%	15.2%
Territorial set-aside	2,061	2,111	2,200	2,360	2,384	2,390	2,389	0.2%	15.9%
Indian & Hawaiian natives set-aside	15,460	15,835	16,500	17,700	17,883	17,925	17,915	1.4%	15.9%
Incentive grants	a	b	5,940	6,372	6,438	6,453	6,449	0.5%	na
Subtotal (basic grants)	\$1,030,650	\$1,055,650	\$1,100,00	\$1,180,000	\$1,192,200	\$1,195,008	\$1,194,331	90.1%	15.9%
Special programs									
Occupational and employment information	c	\$9,000	\$9,000	\$9,500	\$9,438	\$9,382	\$9,307	0.7%	na
Tech-prep education	106,000	106,000	106,000	108,000	107,298	106,665	105,812	8.0%	-0.2%
Tech-prep demonstration	d	d	5,000	5,000	4,968	4,939	4,900	0.4%	na
Tribally controlled postsecondary vocational and technical institutions ^e	4,100	4,600	5,600	6,500	na	na	na	na	na
Subtotal (special programs)	\$110,100	\$119,600	\$125,600	\$129,000	\$121,704	\$120,986	\$120,019	9.1%	9.0%
National programs									
Subtotal (national programs) ^f	\$13,497	\$17,500	\$17,500	\$12,000	\$11,922	\$11,852	\$11,757	0.9%	-12.9% ^g
Total	\$1,154,247	\$1,192,750	\$1,243,100	\$1,321,000	\$1,325,826	\$1,327,846	\$1,326,107	100.0%	14.9%

CRS-6

Source: U.S. Department of Education, Budget Office spreadsheets. Available at [<http://www.ed.gov/about/overview/budget/index.html>].

Note: FY2003 and FY2004 appropriations include the across-the-board reduction as calculated by ED. FY2005 appropriations include the across-the-board reduction as calculated by ED. The FY2005 estimates are subject to change. Details may not add to totals due to rounding.

- a. Incentive grants were authorized under Section 503 of the Workforce Investment Act (WIA; P.L. 105-220). Beginning on July 1, 2000, the Secretary of Labor was authorized to award a grant to each state that exceeds state adjusted performance levels for Title I of WIA, the expected levels of performance for Title II of WIA, and the adjusted levels of performance for Perkins III. Perkins III provided funding authorization to support these incentive grants for FY2000-FY2003. Funds were not authorized for FY1999.
- b. The U.S. Department of Education (ED) was unable to negotiate performance levels with states for FY1999, as states lacked sufficient data for all of the core indicators of performance specified in Section 113. Thus, ED was unable to award incentive grants based on states meeting agreed upon performance levels. For FY2000, Congress reallocated the 0.54% set-aside for incentive grants to basic state grants. Incentive grants are discussed in greater detail later in this report.
- c. In FY1999, \$9 million was appropriated under the Department of Labor for this activity.
- d. No funds were appropriated for this program until FY2001.
- e. The Administration's budget request for FY2004 and FY2005 requested funding for this program, currently authorized by Perkins III, under the Higher Education account. The Administration proposes reauthorizing this program under the Higher Education Act, which is scheduled for reauthorization in the 108th Congress. FY2003 funding for this program is not reflected in this table for comparability purposes, as ED no longer includes it for FY2003 under vocational education in its budget tables.
- f. National programs include research, development, dissemination, evaluation, and assessment.
- g. Funding peaked at \$17.5 million during FY2000 and FY2001. This represented a 29.7% increase over FY1998 funding levels.

na = Not applicable.

FY2006 Budget Request

In its FY2006 budget request, the Bush Administration proposes the elimination of all dedicated federal funding for vocational education. According to the budget request, federal funding for vocational education would still be available through a new high school initiative being proposed by the Administration, the High School Intervention Initiative (HSII). The HSII would be funded at \$1.2 billion for FY2006. Funds could be used for a number of interventions, including “programs that combine rigorous academic courses with demanding vocational and technical education courses to provide students with high-quality academic and technical training,” dropout prevention programs, and college preparation programs for low-income students.¹⁷

While the HSII provides some flexibility in how funds are used, the HSII also requires new high school assessments to be administered. Currently, under the No Child Left Behind Act, high school students must be tested at least once in grades 10-12 in language arts and mathematics. The HSII would require that students be tested annually in language arts and mathematics in two additional high school grades. The HSII also includes a proposal for expansion of state participation in National Assessment of Educational Progress tests of reading and mathematics to include grade 12. The budget request includes an additional \$250 million through the High School Assessments program to aid states in developing and implementing the additional assessments. Given the emphasis being placed on student assessments, it is possible that local educational agencies (LEAs) that receive competitive grants through this initiative may choose to pursue interventions other than vocational education. In addition, even if the entire \$1.2 billion requested for the HSII was used exclusively for vocational education, overall vocational education funding would be reduced by \$126 million. It is also possible that LEAs currently using federal dollars to support their vocational education programs may not receive a competitive grant through the HSII, possibly reducing or eliminating vocational education options for students in those LEAs.

Overview of the 1998 Perkins Act

As one of its last actions, the 105th Congress amended and reauthorized the Perkins Act. The act authorizes “such sums as may be necessary” for assistance to states for vocational and technical education, for occupational and employment information, for tech-prep programs, and for national programs. The act authorized Perkins’ programs through FY2003. In addition, these programs are automatically authorized through FY2004 by the General Education Provisions Act (GEPA).¹⁸

¹⁷ U.S. Department of Education, *Fiscal Year 2006 Budget Summary*, 2005.

¹⁸ GEPA provides an automatic one-year extension for eligible education programs (20 U.S.C. § 1226a). While this one-year extension has expired, Congress appropriated funds for Perkins III for FY2005 (P.L. 108-447).

Highlights of Perkins III include:

- Federal-to-state funding formula based mainly on states' population in three age groups;
- Percentages reserved from funds for state assistance for outlying areas (0.2%) and for Indians (1.25%) and Native Hawaiians (0.25%);
- Use of up to 10% of state grants funds for state leadership funding, of which:
 - up to 10% of state leadership funds (that is, up to 1% of the total grant) shall be used for programs to serve individuals in state institutions, such as correctional institutions;
 - between \$60,000 and \$150,000 must be used for services to prepare individuals for nontraditional programs and employment (of which members of one gender comprise less than 25%); and
 - the remainder of the 10% may be used for other state leadership activities, such as professional development programs;
- Use of up to the greater of 5% of the total grant or \$250,000 for state administration;
- Distribution of at least 85% of funds to local level, of which at least 76.5% will be distributed by within-state formulas and not more than 8.5% will be reserved for programs in rural and other areas;
- Within-state formula to distribute funds to postsecondary institutions, based mainly on eligible institutions' shares of Pell grant recipients within each state;¹⁹
- The within-state formula for local educational agencies (LEAs) is based 70% on the local share of low-income individuals ages 15 to 19 in the state and 30% on the local share of all individuals ages 15 to 19 in the state;
- Minimum local grants of \$15,000 for secondary vocational and technical education and \$50,000 for postsecondary vocational and technical education;²⁰
- Redesignation of the state-determined board of vocational education as the eligible agency to oversee and administer vocational education in the state;
- Establishment of a state accountability system based on core indicators with adjusted levels of performance resulting from negotiations between the state and the Secretary of Education; and
- Authorization of sanctions based on states' failing to meet performance levels, as well incentive grants to states, authorized under the Workforce Investment Act of 1998 (WIA, P.L. 105-220), for exceeding the levels established under Perkins and under WIA.

¹⁹ For more information on Pell Grants, see CRS Report RL31668, *Federal Pell Grant Program of the Higher Education Act: Background and Reauthorization*, by Charmaine Mercer.

²⁰ Funds will be redistributed to LEAs meeting the requirements for the minimum grant, and funds not allocated to a postsecondary institution or consortium also will be redistributed.

Features of the 1998 Perkins Act

P.L. 105-332, the Carl D. Perkins Vocational and Applied Technology Amendments of 1998, amends and revises the Perkins Act. It renames the act the Carl D. Perkins Vocational and Technology Education Act of 1998 and authorizes “such sums as may be necessary” for FY1999-FY2003 for Perkins Act programs and activities. The act refers to **vocational and technical education** rather than vocational education.²¹ The overall purpose of the act is “to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs.”

Authorizations and Reservation of Funds. From sums appropriated for state programs, Perkins III (Section 111(a)(1)) reserves:

- 0.2% for outlying areas,²²
- 1.25% for Indian vocational and technical education programs,
- 0.25% for Native Hawaiian programs, and
- 0.54% (for FY2000-FY2003 only) for incentive grants authorized under Section 503 of the Workforce Investment Act (P.L. 105-220).

The remaining funds (98.3% for FY1999 and 97.76% for FY2000-FY2003) are allocated by formula to states, which include the 50 states plus the District of Columbia, Puerto Rico, and the Virgin Islands.

The act authorizes separate appropriations for FY1999-FY2003 for:

- National Activities (Section 114, “such sums”),
- Tribally controlled postsecondary vocational and technical institutions (Section 117, \$4 million for FY1999-FY2003),²³
- Occupational and employment information (Section 118, “such sums”),
- A tech-prep demonstration program (Section 207, \$25 million),²⁴ and
- Tech-prep programs (Title II, “such sums”).

²¹ Currently many refer to vocational and technical education as career and technical education.

²² Section 115 describes assistance for the outlying areas. The act (Section 3(18)) defines “Outlying Area” to include U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Although the Virgin Islands is included in the definition of “Outlying Areas” for the purposes of the act, it is defined as a state for the purposes of the state grants formula (Section 111(d)) and receives funds under that formula. It does not receive funds under Section 115.

²³ Appropriations have exceeded this funding authorization for FY1999-FY2002.

²⁴ FY2001 is the first year in which funds were appropriated for this program.

State Formula. The Perkins III state formula (Section 111) is based on three population groups: individuals ages 15 to 19, individuals ages 20 to 24, and individuals ages 25 to 65. Subject to other formula provisions, 58.8% of the funds is distributed in proportion to a state's share of the national total of the first group, 23.5% in proportion to a state's share of the second group, and 17.6% in proportion to a state's share of the third group.²⁵ States' allotments are adjusted based on states' per capita income (PCI), with the maximum adjustment ratio being 0.6 (for states with PCI's substantially below the national average) and the minimum adjustment being 0.4 (for states with PCI's substantially above the national average). Distribution of funds is also subject to a minimum grant provision of 0.5% of the total grant amount, with constraints on increases states can receive because of the minimum grant provision.²⁶ **Table 2** shows FY2005 estimated appropriations for the basic grants and for the tech-prep grants, which are allocated by a similar formula.

Table 2. FY2005 Estimated Perkins Basic and Tech-Prep Grants

State	Basic grants	Tech-prep grants
Alabama	20,491,000	\$1,996,000
Alaska	4,215,000	363,000
Arizona	24,329,000	2,143,000
Arkansas	12,730,000	1,187,000
California	128,922,000	11,356,000
Colorado	15,646,000	1,395,000
Connecticut	10,145,000	894,000
Delaware	4,901,000	444,000
District of Columbia	4,215,000	331,000
Florida	62,925,000	5,543,000
Georgia	36,182,000	3,187,000
Hawaii	5,838,000	529,000
Idaho	6,826,000	624,000
Illinois	45,581,000	4,052,000
Indiana	26,484,000	2,465,000
Iowa	12,860,000	1,245,000
Kansas	11,764,000	1,066,000
Kentucky	18,406,000	1,864,000
Louisiana	22,078,000	2,190,000
Maine	5,838,000	529,000
Maryland	17,140,000	1,542,000
Massachusetts	18,732,000	1,650,000
Michigan	39,985,000	3,644,000
Minnesota	18,749,000	1,737,000
Mississippi	14,198,000	1,391,000

²⁵ Details may not add to 100.0% due to rounding.

²⁶ The current minimum grant is about 0.4% of appropriations for state grants because of constraints on the application of the minimum grant provision.

CRS-11

State	Basic grants	Tech-prep grants
Missouri	24,155,000	2,179,000
Montana	5,516,000	500,000
Nebraska	7,450,000	710,000
Nevada	8,052,000	709,000
New Hampshire	5,838,000	529,000
New Jersey	24,725,000	2,189,000
New Mexico	9,325,000	834,000
New York	60,088,000	5,293,000
North Carolina	34,478,000	3,037,000
North Dakota	4,215,000	344,000
Ohio	46,453,000	4,450,000
Oklahoma	16,300,000	1,571,000
Oregon	14,552,000	1,292,000
Pennsylvania	46,529,000	4,239,000
Puerto Rico	19,606,000	1,921,000
Rhode Island	5,838,000	529,000
South Carolina	18,900,000	1,731,000
South Dakota	4,443,000	403,000
Tennessee	24,286,000	2,233,000
Texas	95,723,000	8,431,000
Utah	12,759,000	1,196,000
Vermont	4,215,000	346,000
Virginia	26,433,000	2,420,000
Virgin Islands	640,000	58,000
Washington	22,636,000	2,038,000
West Virginia	8,429,000	877,000
Wisconsin	22,598,000	2,107,000
Wyoming	4,215,000	278,000
Subtotal for states, District of Columbia, Puerto Rico, and Virgin Islands	\$1,167,578,000	\$105,812,000
American Samoa	190,000	0
Guam	500,000	0
Northern Mariana Islands	190,000	0
Additional grants to outlying territories	1,509,000	0
Indian Tribe set-aside	14,929,000	0
Native Hawaiian set-aside	2,986,000	0
Incentive grants	6,449,000	0
Totals	\$1,194,331,000	\$105,812,000

Source: U.S. Department of Education, Budget Office spreadsheet.

Note: FY2005 appropriations include the across-the-board reduction as calculated by ED. These estimates are subject to change.

Allocation of State and Local Funds. Perkins III (Section 112) allocates

- at least 85% to the local level,
- up to 10% for state programs, and
- up to 5% or \$250,000 (whichever is greater) for state administration.

Although most of the local funds (at least 76.5%) are distributed by substate formulas (discussed below), up to 10% of the 85% (i.e., up to 8.5% of the total state grant) may be awarded to “eligible recipients” (such as LEAs and community colleges), provided grants are awarded in at least two of the following categories:

- Rural areas,
- Areas with high percentages of vocational and technical education students,
- Areas with high numbers of vocational and technical education students, and
- Communities negatively affected by changes in the secondary substate formula (discussed below).

Substate Formulas. Under Perkins III, states decide the percentages of basic grants to be allocated to secondary and to postsecondary vocational education²⁷ and then distribute these amounts by specified substate formulas. The **secondary formula** (Section 131) is:

- 70% of the funds allocated based on each LEA’s share of individuals ages 15 to 19 from poor families, and
- 30% of the funds allocated based on each LEA’s share of population ages 15 to 19.²⁸

Perkins III requires that secondary schools funded by the Bureau of Indian Affairs (BIA) be treated as LEAs for the purposes of distributing secondary vocational and technical education funds.

For an LEA to receive a grant, the amount must be greater than **\$15,000**, subject to LEAs forming consortia, if necessary, to meet the minimum grant requirement. The minimum grant requirement will be waived if the LEA is “located in a rural, sparsely populated area” and is unable to form a consortium. The minimum grant requirement is also waived for public charter schools that operate vocational and technical education programs.²⁹

²⁷ States’ percentages vary from about 36% to 89% for secondary programs to about 11% to 64% for postsecondary programs. On average, about 62% of funds are allocated for secondary programs. (*NAVE Final Report*, table 5.4.)

²⁸ The Secretary may permit a state to use an alternative secondary substate formula if that formula “more effectively targets funds on the basis of poverty.”

²⁹ The definition of charter schools in the 1998 Act references the definition in Section 10306 of the ESEA. In general, a “public charter school is a publicly funded elementary or secondary school that is operated according to the terms of a charter or contract granted by a public chartering agency. The terms of a charter typically provide the charter school

The Perkins III **postsecondary and adult formula** (Section 132) is based on an eligible institution's³⁰ share of recipients of Pell grants (Higher Education Act, Title IV, Part A, Subpart 1) or recipients of assistance from the BIA. The minimum grant is **\$50,000**.

State Governance. Perkins III makes the “eligible agency” in each state responsible for administering activities authorized by the act. The act (Section 3(9)) defines the eligible agency as:

a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

The act (Section 121) requires the eligible agency to develop the state plan in consultation with the Governor, appropriate state agencies, and representatives of various groups and individuals, such as parents, teachers, representatives of businesses, labor organizations, and state and local officials.

State Planning/Application Process. Perkins III (Section 122) requires eligible agencies desiring assistance under the act to submit a five-year plan to the Secretary of Education and annual updates as needed. The act requires that various groups and individuals, including the Governor, be consulted during the development of the plan. The plan is to include, for example, descriptions of what activities will be supported and how these activities will help the state meet or exceed its levels of performance; how professional development will be provided; how various individuals, such as parents, business representatives, and labor organizations, will be involved in the planning and implementation of vocational and technical education; how the academic and technical skills of vocational and technical students will be improved; how programs will be annually evaluated; and how members of

²⁹ (...continued)

operator with increased autonomy in how to operate the school, often including exemption from, or flexibility in the application of, many of the state or local regulations otherwise applicable to public schools in exchange for greater accountability for results or outcomes.” CRS Report RL31184, *Public Charter School Accountability*, by David P. Smole, p. 1.

³⁰ An eligible institution is defined as:

- (A) an institution of higher education;
- (B) an LEA providing education at the postsecondary level;
- (C) an area vocational and technical education school providing education at the postsecondary level;
- (D) a postsecondary institution controlled by the BIA or operated 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 Act or the act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);
- (E) an educational service agency; or
- (F) a consortium of two or more of the entities described in subparagraphs (A) through (E) (Section 3 (10)).

“special populations”³¹ will be served.³² The Secretary has 90 days to approve or disapprove the plan.³³

Performance Appraisal. Section 113 of Perkins III requires states to create a “performance accountability system,” the purposes of which are “to assess the effectiveness of the state in achieving statewide progress in vocational and technical education, and to optimize the return of investment of federal funds in vocational and technical education activities.” The basis of the system is the **core indicators of performance**, which are specified in the act, and the **adjusted levels of performance**, which are negotiated between the state and the Secretary of Education.

The core indicators are:

- Student attainment of academic, and vocational and technical skill proficiencies,
- Student attainment of secondary or postsecondary credentials,
- Student enrollment in, retention in, and completion of postsecondary education; enlistment in the military; or placement and retention in employment, and
- Student participation in and completion of vocational and technical education programs leading to nontraditional training and employment.

The measures of these indicators (e.g., the specific tests to be used to assess skill proficiencies) are established solely by the state’s eligible agency in consultation with secondary and postsecondary providers of vocational and technical education.³⁴ **The Secretary is not involved** in choosing these measures.

³¹ The definition of “special populations” (Section 3(23)) includes (1) Individuals with disabilities; (2) Economically disadvantaged individuals, including foster children; (3) Individuals preparing for “nontraditional training and employment;” (4) Single parents, including single pregnant women; (5) Displaced homemakers; and (6) Individuals facing other barriers to education, including limited English proficiency.

³² Section 134 of the 1998 Act requires eligible recipients, such as LEAs and community colleges, to submit to the eligible agency local plans, which have similar requirements.

³³ Section 501 of P.L. 105-220 (the Workforce Investment Act of 1998 (WIA)) permits states to develop a unified plan covering one or more programs authorized in WIA (e.g., training) and one or more other programs listed in WIA (e.g., the Perkins Act). **Secondary** vocational education under the Perkins Act may be included in the plan only if prior approval is obtained from the state legislature.

³⁴ The Administration is working on a common measures initiative, whereby programs serving similar objectives, such as vocational education and job training, will be evaluated against the same set of performance measures. ED and the U.S. Department of Labor are working with the Office of Management and Budget to establish definitions for common measures. As states are currently able to define their own performance measures under Perkins III, state data based on these measures will not be usable under the common measures initiative. (ED, *FY2005 Budget Justifications*.)

The eligible agency specifies in the state plan **levels of performance** for each core indicator for the first two years of the program.³⁵ For example, the agency might specify the percentage or number of secondary vocational-technical students who will enroll in postsecondary institutions after high school. The Secretary and each eligible agency will “reach agreement on the levels of performance for each of the core indicators.” When agreement is reached, these become the **adjusted levels of performance**. It is important to emphasize that the Secretary’s role in this process “is limited to reaching agreement on the percentage or number of students who attain the state adjusted levels of performance.” Prior to the third year of the program, the process will be repeated, with possible further adjustments in the levels.³⁶

Section 123 of Perkins III requires that states that do not meet their adjusted levels of performance must develop and implement improvement plans. Similarly states are to evaluate local participants based on the adjusted levels of performance and require improvement plans for those local entities that are not “making substantial progress in achieving the state adjusted levels of performance.” The Secretary is authorized to withhold funds from states that continue to fail to meet adjusted levels of performance.

Section 503 of WIA authorizes incentive grants for states that exceed levels of performance for the workforce training and adult education and literacy titles of WIA (Titles I and II, respectively) and for the Perkins Act. Incentive grant funds are used “to carry out an innovative program consistent with requirements of any one or more of” those titles or the Perkins Act.

The legislation indicates that states were to be considered eligible for incentive grants from FY2000 funds based on their performance in Project Year (PY) 1999.³⁷ The U.S. Department of Education (ED), however, was not able to negotiate performance levels with states in FY1999 because none of the states had sufficient baseline data to establish these levels.³⁸ Consequently, PY1999 data were used to negotiate performance levels for FY2000. States were eligible to receive incentive grants for the first time from FY2001 funds based on their performance in PY2000. Only 12 states met the necessary performance requirements and were eligible to apply for grants.³⁹ Based on PY2001 performance, 16 states were eligible to apply

³⁵ If states have already developed performance indicators that meet the requirements of the 1998 Perkins Act, they are authorized to use those indicators as core indicators.

³⁶ States may identify other indicators in their state plans and set levels of performance. The Secretary has no role in adjusting these levels, and apparently state performance on these indicators has no influence on sanctions and incentives.

³⁷ PY1999 ran from July 1, 1999 to June 30, 2000.

³⁸ Congress amended Section 503 of WIA to exclude performance levels for the 1998 Perkins Act from the incentive grant program in FY2000. (U.S. Department of Education, Office of Vocational and Adult Education, *Program Memorandum*, Sept. 27, 2000. Available at [<http://www.ed.gov/programs/ctesbg/vocfy2000memotable.html>].)

³⁹ *67 Federal Register* 22119-22120, May 2, 2002.

for incentive grants.⁴⁰ The amount each state was eligible to receive was determined by ED and the Department of Labor based on WIA Section 503(c) with the amounts proportional to the total funding received by these states under Perkins III, the Adult Education and Family Literacy Act, and Title I of WIA. Designated grant amounts ranged from \$750,000 to \$3 million.

Uses of State Funds. Perkins III (Section 112) authorizes states to retain up to 10% of their total grant for leadership activities. Up to 10% of these funds (i.e., 1% of the total grant) must be used to serve individuals in state institutions, such as correctional institutions. Between \$60,000 and \$150,000 must be used for services to prepare individuals for nontraditional programs and employment. These are programs and jobs in which members of one gender comprise less than 25% of the workforce.

Section 124 of Perkins III, specifies **required** uses of state leadership funds (including those listed above). Funds shall be used to:

- provide professional development,
- provide program assessment (including assessments of the needs of special populations),
- improve and expand the use of technology,
- support programs that improve academic and vocational and technical skills through the integration of academics with vocational and technical education,
- provide preparation for “nontraditional employment,”
- support partnerships among local providers of vocational and technical education and others, such as employers and labor organizations,
- serve individuals in state institutions, such as correctional institutions, and
- support programs for special populations.

These required uses of funds reflect the emphasis on the use of technology in Perkins III. The increase in funding available for state leadership activities (10% in Perkins III compared with 8.5% in Perkins II) also reflects the elimination of other set asides of state funds (for gender-related services and programs and for programs for prisoners) and the inclusion of required uses of state funds for these purposes and groups.

In addition to required uses, Perkins III lists 12 **permitted** uses of state funds, doubling the number of permitted uses from Perkins II. Examples of allowable activities include:

- using state funds to support vocational student organizations,
- providing support for public charter schools operating vocational and technical education programs,
- supporting education and business partnerships, and
- supporting cooperative education.

⁴⁰ 68 *Federal Register* 25640-25643, May 13, 2003.

Finally Perkins III **prohibits** the use of state leadership funds for administrative costs.

Uses of Local Funds. As with uses of state funds, Perkins III (Section 135) specifies certain required uses of local funds.

Eligible recipients **must** use funds to support programs that:

- are of sufficient size, scope, and quality to be effective,
- strengthen academic and vocational and technical components of vocational and technical education programs,
- conduct program evaluations, including whether needs of “special populations” are met,
- provide understanding of “all aspects of an industry,”
- develop, improve, or expand the use of technology,
- provide professional development,
- initiate/improve/expand/modernize quality vocational and technical education programs, and
- link secondary and postsecondary programs.

Perkins III also includes a list of **permitted uses** of local funds. The 1998 Act retains some permitted uses of funds from Perkins II, such as providing career guidance and counseling, while adding new uses, such as support of mentoring services. Under Perkins III, programs for “special populations” becomes a permitted use of funds rather than a required use of funds. Perkins III, like its predecessor, limits the use of local funds for **administrative costs** to 5%.

Prohibited Use of Funds. Perkins III prohibits use of any funds provided under the act:

to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-to-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act (Section 6).⁴¹

In addition, Perkins III stipulates that:

No funds received under this Act may be used to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students (Section 315).

Tech-Prep. A major change resulting from the 1990 reauthorization of the Perkins Act was the authorization of the tech-prep program, aimed at combining and coordinating secondary and postsecondary vocational education activities into a coherent sequence of courses. FY2005 appropriations for the program are about

⁴¹ The School-to-Work Opportunities Act sunset in 2001.

\$106 million⁴² — a 66.8% increase over its initial funding level in FY1991. Perkins III continues a separately authorized tech-prep program with a “such sums” authorization level. Funds are allocated to states based on the formula used to allocate Perkins basic grants to states.

Tech-prep grants are awarded to consortia consisting of participants from both the secondary and postsecondary levels, such as a local educational agency; a nonprofit institution of higher education offering a two-year associate’s degree program, two-year certificate program, or a two-year apprenticeship program; or a proprietary institution of higher education offering a two-year associate’s degree program. Participants in the consortium develop an articulation agreement to provide at least two years of secondary school instruction prior to high school graduation and at least two years of higher education instruction or an apprenticeship program following high school graduation. These programs of instruction must share “a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies” leading to an associate’s degree or postsecondary certificate in a specific occupational field (Section 204). These programs must meet state academic standards. They may also use educational technology and distance learning to maximize the involvement of consortium partners in the program.

Tech-Prep Demonstration Program. Perkins III also authorizes for the first time a demonstration tech-prep program to establish secondary school programs at community colleges. Similar to tech-prep programs, in order to receive program funds a consortium of secondary and postsecondary education providers must be formed. The tech-prep demonstration program, however, requires the additional participation of a business as a member of the consortium. The program authorization is \$25 million for each of FY1999-FY2003. FY2001 was the first year in which funds were appropriated for the program. For both FY2001 and FY2002, \$5 million was appropriated. For FY2003 through FY2005, about \$5 million was appropriated each year.

National Programs. Perkins III authorizes national activities to:

- Collect performance information on vocational and technical education,
- Collect assessment information on a nationally representative sample of vocational and technical education students,⁴³
- Generally conduct research, development, dissemination, evaluation, and assessment based on a single plan to be developed by the Secretary of Education,
- Conduct “an independent evaluation and assessment” of programs under this act,
- Collect and disseminate information related to states’ performance measures,

⁴² Tech-prep appropriations peaked at \$108 million in FY2002.

⁴³ The National Center for Education Statistics (NCES) is directed to collect these data “as a regular part of its assessments.”

- Establish a national center or centers for research on vocational and technical education,
- Undertake demonstrations and dissemination, and
- Establish a national entity and state entities to support occupational and employment information.

Perkins III eliminated funding for the National Occupation Information Coordinating Committee (NOICC) and its state counterparts — the SOICCs. Instead, the act authorizes the Secretary of Education to assist “an entity” to assist “an entity in each state” to provide information and other services dealing with career decision making. The act authorizes “such sums” for FY1999-FY2003 to support these entities and specifies that at least 85% of these sums shall be distributed to the state entities.⁴⁴ FY2004 funding was \$9.4 million.

Program Elimination. Except for tech-prep and funding for tribally controlled postsecondary vocational institutions, Perkins III eliminates all the “special programs” authorized under Title III of Perkins II:

- Support for programs conducted by community-based organizations,*
- Consumer and Homemaking Education,*
- Comprehensive Guidance and Counseling Programs,
- Business-Labor-Education Partnership for Training,
- Supplementary State Grants for Facilities and Equipment,*
- Community Education Employment Centers, and
- Vocational Education Lighthouse Schools.

Only those programs marked with an asterisk (*) have ever received funding. None of these programs has been funded in recent years.

Accountability⁴⁵

Accountability Requirements. Accountability provisions for recipients of federal vocational education funding were initiated under Perkins II. Perkins II required states to develop and implement at least one measure of student outcomes with respect to vocational and technical education. Each measure had to be based on at least two indicators. This focus on accountability was substantially enhanced under Perkins III.

⁴⁴ Funding for the NOICC and SOICCs was also provided through the U.S. Department of Labor appropriations under authorization in the Job Training Partnership Act (JTPA). In repealing JTPA, the WIA repealed this authorization. For a discussion of NOICC and SOICCs, see archived CRS Report 96-964, *Labor Market Information: An Overview*, by Linda Levine (available from the author: 7-7756).

⁴⁵ The discussion in the first two parts of this section is based primarily on the *Core Indicator Framework* published by the U.S. Department of Education, Office of Vocational and Adult Education, Jan. 2000. Available online at [<http://www.ed.gov/policy/sectech/guid/cte/jan2000frame.doc>]. (Hereafter cited as ED, *Core Indicator Framework*.)

As with recent federal education legislation,⁴⁶ Perkins III provided states with additional flexibility in the use of funds in exchange for increased accountability. Rather than allowing states to continue to select a handful of outcomes to track, Perkins III requires states to provide data for four core performance indicators focusing on: (1) student attainment; (2) credential attainment, (3) placement and retention, and (4) participation in and completion of non-traditional programs. According to ED, prior to Perkins III, 20 states did not measure the retention in or completion of secondary school by vocational education students.⁴⁷ In terms of postsecondary indicators, 32 states did not measure the retention in or completion of a postsecondary degree or certificate program by vocational education students.

Based on the Core Indicator Framework provided by ED in January 2000, the four core indicators are composed of 15 subindicators — eight at the secondary level and seven at the postsecondary level.⁴⁸ For each of the 15 subindicators, states are required to specify a long-term vision or goal statement, definitions of performance measures, approaches for performance measurement, and quality criteria to ensure sufficient rigor and comparability.

State-to-State Comparisons. Perkins III identifies several goals for the program. These goals include the alignment of vocational and technical education with state and local education reform efforts at the secondary and postsecondary levels. The program is also viewed as playing a substantial role in the development of integrated education and workforce development systems. In order to meet these goals, the performance accountability framework needs to include consistent measures, especially to allow the state-to-state comparisons the Secretary is required to disseminate (Section 113 (c)(3)(B)).

Based on Perkins III, states were required to establish accountability measures addressing the core indicators prescribed in the legislation. States were required to determine how to measure the core indicators and to propose levels for each indicator. States then were supposed to negotiate with ED to establish performance target levels for each year.

As previously mentioned, Perkins II included some accountability measures, but given the significant increase in data collection and reporting required by Perkins III, the data systems used by states to meet the requirements of Perkins II generally were inadequate for meeting the new requirements. ED reported that early in 1999, none of the states was able to establish baseline performance measures for all of the core indicators required by Perkins III.⁴⁹ As a result, states developed measurement systems and collected baseline data during PY1999.

⁴⁶ For example, see the discussion of No Child Left Behind Act of 2001 (P.L. 107-110) in CRS Report RL31284, *K-12 Education: Highlights of the No Child Left Behind Act of 2001 (P.L. 107-110)*, coordinated by Wayne Riddle.

⁴⁷ ED, *Core Indicator Framework*, Figure 2, p.2.

⁴⁸ *Ibid.*, p. 7.

⁴⁹ ED, *Core Indicator Framework*, p. 2.

The flexibility of Perkins III, allowing states to select performance measures that were most appropriate for meeting their goals and that could be incorporated into existing state systems, resulted in a multitude of definitions and measurement strategies. Coupled with various levels of data availability, this made state-to-state comparisons virtually impossible.⁵⁰ For example, in the *Core Indicators Framework*, ED specified definitions for vocational participants, vocational concentrators, and vocational completers. Using the established definition of vocational concentrator, states developed 19 different measures for the “threshold” of concentration. Measures ranged from completing a certain number of courses, credits, Carnegie units, semesters, or years to the completion of a program.

Based on PY2000 data, 38 states were identified as exceeding their adjusted performance levels.⁵¹ The remaining 14 states⁵² were identified as not having met their Perkins III performance targets. Nine of these states were required to submit a state improvement plan to ED. The remaining five states were required to provide ED with assurances. No sanctions (e.g., possible reduction in funding) will be applied until a state exhibits two successive years of failure.⁵³

In fall 2002, ED awarded a two-year grant to conduct the Performance Measurement Initiative.⁵⁴ The \$2.5 million grant will be used to develop and pilot test new secondary and postsecondary assessment and accountability measures for academic and career and technical programs that build on existing state and local data systems. Five states were selected through a competitive review process to participate in the prototype development and pilot test. A final report offering recommendations for additional development of performance measures and their implementation in other states is scheduled to be released fall 2005.

No Child Left Behind Act. Since the Smith-Hughes Act in 1917, policymakers have structured and restructured federal support for vocational and technical education to best meet employment and economic needs. Perkins III aimed to broaden the purpose of vocational education, focusing on academic, vocational, and technical skills at the secondary and postsecondary levels, while emphasizing industry and careers over entry-level jobs.

While the focus of vocational education at the federal level has become increasingly broad, the focus of the largest federal education program providing support for K-12 education has focused mainly on one overarching goal — raising

⁵⁰ U.S. Department of Education, *Carl D. Perkins Vocational and Technical Education Act of 1998 Report to Congress on State Performance: Program Year 1999-2000*. Available at [<http://www.ed.gov/about/offices/list/ovae/resource/vocedreport.doc>].

⁵¹ See 67 *Federal Register* 22120 (May 2, 2002) for results for each state.

⁵² For purposes of this discussion, the District of Columbia and Puerto Rico are considered states.

⁵³ Information provided by John Haigh, U.S. Department of Education, on Jan. 8, 2002.

⁵⁴ U.S. Department of Education, Office of Vocational and Adult Education, Performance Measurement Initiative Description, 2002. Available at [<http://www.ed.gov/about/offices/list/ovae/pi/hs/factsh/pmi.html>].

student achievement. The No Child Left Behind Act of 2001 (P.L. 107-110, NCLBA) signed into law by President George W. Bush in 2002 provides states with an increased level of flexibility for improving student achievement in exchange for extensive accountability requirements. For example, schools that fail to meet adequate yearly progress standards for two or more consecutive years are identified as needing improvement and must provide public school choice and supplemental services to students.

Given the increased accountability for results required under NCLBA, it is possible that vocational education course-taking may be reduced to accommodate increased student participation in core academic classes. The *NAVE Final Report* found that vocational education courses account for “an increasingly smaller share of the overall [high school] curriculum”⁵⁵ because academic course work has increased substantially over time. Students were able to maintain their level of enrollment in vocational education courses by increasing the overall number of courses or credits that they were taking. If education reforms necessitate students taking additional academic courses, however, students may no longer have room in their schedules to continue to enroll in the same number of vocational education courses. For example, if school and LEA administrators place greater emphasis on core academic subjects, such as high school science, in order to comply with adequate yearly progress requirements in the NCLBA, students may have fewer slots available in their schedules for vocational education courses.

Related to this question of course-taking patterns are the academic outcomes for students integrating academics with vocational and technical education, a key purpose of Perkins III. Plank⁵⁶ examined high school persistence, academic achievement, and postsecondary enrollment or employment for four groups of students: (1) academic concentrators; (2) career and technical education (CTE) concentrators;⁵⁷ (3) dual concentrators; and (4) students who are neither academic or CTE concentrators. Plank found that academic concentrators outperformed dual concentrators on standardized tests of mathematics, science, reading, or history. He attributed this small statistical difference in scores to more advanced course-taking by academic concentrators. He also found that for students with a relatively high risk of dropping out, having dual concentrations in academics and CTE may lower high school drop-out rates.

In terms of postsecondary enrollment, after controlling for several factors (i.e., gender, race, socioeconomic status, and pre-high-school achievement), Plank found

⁵⁵ *NAVE Final Report*, figure 2.3, p. 26.

⁵⁶ Stephen Plank, *Career and Technical Education in the Balance: An Analysis of High School Persistence, Academic Achievement, and Postsecondary Destinations* (National Research Center for Career and Technical Education, University of Minnesota, 2001). (Hereafter cited as Plank, *Career and Technical Education in the Balance*.) It should be noted that the data used in this analysis comes from the National Education Longitudinal Study of 1988. The author notes that analyses of vocational programs based on the National Longitudinal Study of Youth 1997 are underway.

⁵⁷ CTE concentrators were defined as students who earned at least three Carnegie credits in 1 of 11 Specific Labor Market preparation areas.

that academic concentrators were most likely to enroll in postsecondary education and not work, or enroll in postsecondary education and work but classify themselves as primarily students. Dual concentrators were the next most likely group to take these routes. Students who were CTE concentrators were least likely to pursue this course and most likely to be working and not enrolled in postsecondary education or working and enrolled in postsecondary education but classify themselves as primarily workers. This distinction is important because first-time postsecondary students who enroll full time are more likely to complete a degree than those who enroll part time.⁵⁸

Qualifications of Vocational Education Instructors

Perkins III does not legislate specific qualifications for vocational education instructors. It does, however, require that states specify how “comprehensive professional development” will be provided for vocational and technical education staff. Both states and local grantees are required to use funds to provide professional development. Perkins III also requires that the national evaluation of vocational and technical education examine “the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers” (Section 114 (c)(3)(B)(iii)).

Congress has been increasingly concerned about improving teacher quality.⁵⁹ The NCLBA, for example, placed a major emphasis on teacher quality. According to guidance released by ED, the new focus on teacher quality is a natural extension of the emphasis on standards and accountability. The legislation establishes specific criteria for what constitutes a highly qualified teacher:

- Holds full state certification or has passed the state teacher licensing exam and holds a teacher license,
- Holds at least a bachelor’s degree, and
- “Has demonstrated subject matter competency in each of the academic subjects in which the teacher teaches, in a manner determined by the state and in compliance with Section 9101 (23) of ESEA.”⁶⁰

⁵⁸ Among first-time postsecondary students who enrolled in two-year institutions, 48.0% of full-time students completed a degree compared with 27.3% who enrolled part-time. At four-year institutions, 63.9% of full-time students completed a degree compared with 33.3% of part-time students. (U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics: 2000* (Washington, DC, 2001), table 311. Based on data from the Beginning Postsecondary Longitudinal Study, 1994.)

⁵⁹ For more discussion of this issue, see CRS Report RL30834, *K-12 Teacher Quality: Issues and Legislative Action*, by James B. Stedman.

⁶⁰ U.S. Department of Education, *Improving Teacher Quality State Grants: Title II, Part A, Non-Regulatory Guidance*, p. 7. Available at [<http://www.ed.gov/programs/teacherqual/guidance.pdf>].

Vocational education teachers are not required to meet these criteria, **unless** they also teach a core academic subject,⁶¹ because any teacher providing instruction in a core academic subject must meet the definition of a highly qualified teacher. For example, if a vocational education teacher also teaches a course in chemistry for which students receive a science credit, the teacher must be licensed or certified by the state, have at least a bachelor's degree, and have demonstrated subject area competence in chemistry.

Special Populations

The Carl D. Perkins Vocational Education Act of 1984 (P.L. 98-524) placed a substantial emphasis on making vocational programs accessible to all individuals and providing programs for members of “special populations.” States were required to use a portion of their grants to provide vocational education services to meet the special needs and enhance the participation of:

- individuals with disabilities;
- disadvantaged individuals;
- adults needed training or retraining;
- single working parents or homemakers;
- individuals participating in programs to promote sex equity in vocational education; and
- incarcerated individuals.

Perkins II eliminated most of these set-asides for special populations, but required states and local recipients to assure the members of these populations be given equal access to high-quality programs. Local recipients were required also to spend federal funds for the combined objectives of services for “special populations” and program improvement. These populations included academically and economically disadvantaged and disabled students, limited English proficient students, students in programs to eliminate sex bias, and individuals in correctional institutions.

Under Perkins II, states were eligible to retain 8.5% of their total grant for state programs and state leadership. Of this funding, prescribed percentages had to be set aside to provide programs for special populations. States were required to use 10.5% of these funds to provide programs for single parents, displaced homemakers, and single pregnant women (not less than 7% for these programs) and for sex equity programs (not less than 3% for these programs). An additional 1% of these funds had to be set aside for programs for criminal offenders. States were also required to use state administration funds to provide at least \$60,000 for a “sex equity coordinator.”

Perkins III defines special populations as individuals with disabilities, individuals from economically disadvantaged families, individuals preparing for

⁶¹ The legislation defines “core academic subjects” as English, reading, or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

nontraditional training and employment, single parents and single pregnant women, displaced homemakers, and individuals with other barriers to educational achievement (e.g., limited English-proficient individuals). While this definition is similar to the definition of special populations found in Perkins II, Perkins III eliminated most of the remaining set asides for special populations included in Perkins II.

Instead, states are permitted to retain up to 10% of their total grant for state leadership activities. States are required to use 10% of state leadership funds (1% of the total grant) to serve individuals in state institutions, such as correctional institutions. They must also use between \$60,000 and \$150,000 of state leadership funds for services to prepare individuals for nontraditional programs and employment in which members of one gender comprise less than 25% of the workforce. States may use the remaining funds to provide required and allowable services. Among the required uses of these funds, however, is a provision that states meet the needs of special populations and support programs that evaluate the outcomes for these students.

The *NAVE Final Report* examined course-taking patterns based on student characteristics, including disability, gender, and income. At the secondary level, a somewhat disproportionate share of students with disabilities participates in vocational education.⁶² At the postsecondary level, enrollment rates for individuals with disabilities in a vocational or academic major are similar.⁶³ Traditional gender disparities in vocational course-taking continue to exist at both the secondary and postsecondary level. For example, at the postsecondary level, 88% of students enrolled in electronics programs are male while 91% of those enrolled in registered nursing are female. Other fields of study are more balanced — for example, 55% of those enrolled in computer programming are male and 53% of those enrolled in business-finance are female.⁶⁴

The report also examined course-taking patterns based on socio-economic characteristics. Researchers found that secondary schools enrolling high percentages of students from low-income families have higher rates of student participation in secondary vocational education courses than other secondary schools.⁶⁵ At the postsecondary level, single parents compose a larger share of sub-baccalaureate vocational students than academic students.⁶⁶

National Assessment of Vocational Education

Perkins III authorized funds to “carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to

⁶² *NAVE Final Report*, p. 37.

⁶³ *Ibid.*, p. 132.

⁶⁴ *Ibid.*, table 3.4, p. 133.

⁶⁵ *Ibid.*, p. 38.

⁶⁶ *Ibid.*, p. 132.

the vocational and technical education programs under this act” (Section 114 (c)(1)(A)). In June 2004, the results of a portion of this research agenda were released in the *National Assessment of Vocational Education Final Report to Congress*. The NAVE’s conclusions about vocational education include:⁶⁷

- The impact of vocational education on secondary-school student outcomes is mixed. The most notably positive outcome is on increased earnings in the short- and medium-term. In other areas, vocational education appears to have no impact (e.g., on academic achievement) or a negative impact (e.g., on completion of a four-year college degree).
- Current Perkins Act strategies for improving vocational education (such as integrating academic and vocational education and linking secondary and postsecondary vocational education) may be too vague and unfocused to have much impact.
- Few schools have comprehensively implemented the tech-prep program. More often, only selected components of tech-prep are implemented as part of broader vocational education programs. “As a result, Tech-Prep efforts now overlap substantially with those of regular vocational education.”⁶⁸
- Postsecondary vocational education also has a positive impact on earnings. This impact is greatest for those who earn a credential (such as, an associate’s degree from a community college); however, completion rates are low. For example, less than 40% of students who entered a postsecondary vocational education program in 1989 with the goal of earning an associate’s degree had earned such by 1994 (five years later).
- The Perkins performance measurement systems appear to have had limited impact on program improvement so far. This is due to difficulties in collecting valid and reliable performance data and in reporting consistent results within states.

The NAVE’s recommendations include:⁶⁹

- Clarify, focus, and limit the objectives of the Perkins Act by, for example, separating components of the act dealing with secondary and postsecondary activities.
- Eliminate a separate tech-prep program, and fold those activities into the postsecondary component of the act.
- Streamline the accountability requirements of the act to reduce data collection and reporting burden and to focus on limited, key objectives.

⁶⁷ For a summary of the NAVE’s findings on secondary vocational education, see *NAVE Final Report*, pp. 18-19; for findings on postsecondary vocational education, see *NAVE Final Report*, pp. 116-117.

⁶⁸ *Ibid.*, p. xxvii.

⁶⁹ For a summary of the NAVE’s recommendation, see *NAVE Final Report*, pp. 280-295.

Selected Legislative Action

This section provides an overview of key legislation introduced in the 109th Congresses to reauthorize the Perkins Act. As of February 1, 2005, both the House and the Senate had introduced relevant legislation.

H.R. 366. On January 26, 2005, Representatives Castle, Boehner, McKeon, Ehlers, and Wilson (SC) introduced H.R. 366 (the Vocational and Technical Education for the Future Act) to amend and reauthorize the Carl D. Perkins Vocational and Technical Education Act.⁷⁰ The bill was subsequently referred to the House Committee on Education and the Workforce. On March 17, 2005, the Committee reported the bill (H.Rept. 109-25). On May 5, 2005, the House approved H.R. 366, as amended, by a vote of 416-9.

The changes that H.R. 366 would make to the Perkins Act include:⁷¹

- Modifying the definition of “vocational and technical education” to include preparation for occupations requiring up to a bachelor’s degree;⁷²
- Reauthorizing the act through FY2011;
- Eliminating a separate authorization for the tech-prep and tech-prep demonstration programs, authorizing an FY2006 amount that would essentially combine current funding for these programs and the basic state grants program, and continuing to require states to fund tech-prep at least at the FY2005 level;
- Reducing the set-aside for outlying areas from 0.2% to 0.12%⁷³ and eliminating funding through the Pacific Regional Educational Lab for the freely associated states and providing additional funding for the Pacific territories;
- Making only technical changes to the state and substate formulas;
- Increasing the minimum amount of formula grant funds distributed locally, maintaining 10% for state leadership, and reducing state administration from 5% to 2% (while maintaining the \$250,000 minimum amount for administration);
- Specifying separate core indicators of state performance for secondary and postsecondary students and requiring alignment of academic standards for secondary students with those established by states participating in Title I, Part A of the Elementary and Secondary Education Act (ESEA);
- Specifying separate local performance standards;

⁷⁰ H.R. 366 is nearly identical to H.R. 4496 (the “Vocational and Technical Education of the Future Act”) introduced during the 108th Congress by Representatives Castle, Boehner, and Wilson (SC).

⁷¹ The description here of changes the bill would make are based on the introduced bill.

⁷² The current definition is keyed to occupations requiring less than a bachelor’s degree.

⁷³ This reflects discontinued funding for the Republic of the Marshall Islands and the Federated States of Micronesia.

- Reporting disaggregated data for groups students (such as students with disabilities) identified in ESEA Title I-A as amended by NCLBA, and identifying gaps in performance among such groups;
- Authorizing the Secretary of Education to make incentive grants to states for “exemplary performance”;
- Making various changes in state plan requirements, including requiring state development of “model sequences of courses for vocational and technical content areas”;
- Modifying state required and permitted uses of leadership funds: for example, requiring support of programs that help vocational and technical education teachers “stay current” and meet core academic certification or licensing requirements under the ESEA;
- Making various changes in local plan requirements, for example describing how courses for at least one of the state “model curricula” will be offered;
- Modifying local required and permitted uses of funds, most notably by requiring local recipients of funds to support tech-prep programs; and
- Modifying local program improvement plans for “eligible recipients” that fail “to meet the local adjusted levels of performance” by requiring that the plans “demonstrate how the local performance deficiencies will be corrected.”

S. 250. On February 1, 2005, Senators Enzi and Kennedy introduced S. 250 (the Carl D. Perkins Career and Technical Education Improvement Act of 2005) to amend and reauthorize the Carl D. Perkins Vocational and Technical Education Act of 1998. The bill was referred to the Senate Committee on Health, Education, Labor, and Pensions. On March 9, 2005, the Committee reported the bill without a written report. On March 10, 2005, the Senate passed S. 250, as amended, by unanimous consent. Among the changes that the bill would make to the Perkins Act are the following:

- Would change the name of the act from Vocational and Applied Technology Education Act to Career and Technical Education Improvement Act;
- Would reauthorize the act through FY2011;
- Would continue a separate funding stream for the Tech-Prep Program;
- Would add definitions, including “career pathway” (“a coordinated and nonduplicative sequence of courses”) and “graduation and career plan” for secondary career and technical education students;
- Would modify the basic state grant formula to provide that funds appropriated in excess of the FY2005 amount are distributed based on a modified minimum state grant provision;
- Would continue to require that at least 85% of state basic grant funds be distributed to eligible local recipients;
- Would provide up to 15% for state leadership and state administration, but would not specify how these funds would be divided between these categories;

- Would require at least \$60,000 to be spent by each state for services to prepare individuals for “nontraditional fields” but would not limit the amount to \$150,000 (as current law does);
- Would permit states to reserve funds “with the approval of participating eligible recipients” for “innovative statewide initiatives that demonstrate benefits for eligible recipients”;
- Would provide separate state secondary and postsecondary performance indicators;
- Would provide for separate local (in addition to state) performance indicators;
- Would require disaggregated reporting for various groups, such as the same groups identified for separate reporting in Title I, Part A of the Elementary and Secondary Education Act (ESEA) as amended by No Child Left Behind Act (NCLBA);
- Would retain certain funding for outlying areas and the Republic of Palau through the Pacific Regional Educational Laboratory (PREL);
- Would require states to support the development or implementation of career pathways of career and technical education by local recipients; and
- Would require both state and local improvement plans to address failure to meet state or local performance levels, with the ultimate consequence the withholding of funds.