

# PERKINS V

## SUPPORTING ACCESS & SUCCESS

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### CAREER AND TECHNICAL EDUCATION

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## Legislative Roadmap

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Federal legislative efforts to promote equal access to career and technical education (CTE) span more than half a century, beginning with the Vocational Education Act of 1963 (P.L. 88-210), which set aside 10 percent of the amount appropriated for state grants to be used for programs “to meet, the special vocational education needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs.” Section 4(c). Today, there are several federal laws and programs that promote access and success in CTE. This Legislative Roadmap provides brief overviews of some of the federal laws and programs on CTE, equal access to CTE programs, and education, as they are currently in effect.

CTE offers critical opportunities for young people and adults to obtain the academic, technical, and employability skills that they need to succeed in our economy and our society. But every student is unique, and every student learns differently. Some groups of youth and adults have specific needs and circumstances that require the attention of CTE educators, administrators, and policymakers as they “rethink” CTE to better prepare all students for future success.

The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) provides resources and guidance to improve the quality of CTE. Specifically, in Section 2(8), the Act calls on CTE to “increase employment opportunities for populations who are chronically unemployed or underemployed.”

The Division of Academic and Technical Education in the Office of Career, Technical, and Adult Education (OCTAE) has compiled a summary of federal laws and programs related to promoting access to, and success in, CTE, as well as some resources that may be useful as educators and others consider how CTE programs can better address the needs of students so that all students have the opportunity to be successful in CTE.

Carl D. Perkins Career and Technical Education Act of 2006, as amended  
by the Strengthening Career and Technical Education for the 21<sup>st</sup>  
Century Act (Perkins V)

<b>Overview</b>	The Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), is the primary source of federal funding to support and improve CTE programs at the high school and postsecondary levels.
<b>Why This Law Matters</b>	Promoting equal access has been a key purpose of federal CTE legislation for more than 50 years. In earlier versions of the law, such as in the Carl D. Perkins Vocational Education Act of 1984 (Perkins II), lawmakers sought to promote equal access for “special populations” of students by setting aside dedicated funding to serve different subgroups of students. Today, however, Perkins V primarily seeks not only to advance access, but to promote success by focusing on improving outcomes of special populations of students.
<b>How This Law Relates to CTE Access and Success</b>	<p><u>Special Populations:</u> Perkins V identifies nine student subpopulations as “special populations.” They are:</p> <ul style="list-style-type: none"> <li>• individuals with disabilities;</li> <li>• individuals from economically disadvantaged families, including low-income youth and adults;</li> <li>• individuals preparing for non-traditional fields;</li> <li>• single parents, including single pregnant women;</li> <li>• out-of-workforce individuals;</li> <li>• English learners;</li> <li>• homeless individuals;</li> <li>• youth who are in, or have aged out of, the foster care system; and</li> <li>• youth with a parent who is on active duty in the armed forces.</li> </ul> <p>Perkins V section 3(48).</p> <p><u>Performance:</u> Perkins V includes performance indicators for which States and local subrecipients will set targets and report on annually. Perkins V section 113(b)(2). The performance levels set by state eligible agencies and for subrecipients must require that they “continually make meaningful progress toward improving the performance of all career and technical education students,” including students who are members of special populations, from major racial and ethnic groups, and who are migratory. Perkins V sections 113(b)(3)(A)(i)(II)(bb) and 113(b)(4)(A)(II), respectively. States and local subrecipients must disaggregate the outcomes of each special population, as well as for students from each major ethnic and racial group and for students who are migrants, in their reporting on the core indicators of performance)) and they must identify gaps in performance between any of the subgroups of students and their peers. Perkins V sections 113(b)(3)(C)(ii)(I) and 113(b)(4)(B)(ii)(I); Perkins V sections 113(b)(3)(C)(ii)(II) and 114(b)(4)(B)(ii)(II).</p> <p><u>State Plan:</u> States prepare a state plan to receive assistance under Perkins V. Perkins V section 122(a)(1). The state plan must describe the state’s “program strategies for</p>

special populations, including a description of how members of special populations will be provided equal access to activities funded under Perkins V, and will not suffer discrimination; will be provided with programs designed to enable them to meet or exceed State performance targets and prepare them for “further learning and for high-skill, high-wage, or in-demand industry sectors or occupations; will be provided with appropriate accommodations; and will be provided with instruction and work-based learning opportunities in integrated settings that support competitive, integrated employment.” Perkins V section 122(d)(9).

When developing their plans, state agencies responsible for Perkins V must consult with “representatives of agencies serving out-of-school youth, homeless children and youth, and at-risk youth, including the State Coordinator for Education of Homeless Children and Youths established or designated under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act” and “individuals with disabilities.” Perkins V sections 122(c)(1)(A)(vi) and 122(c)(1)(A)(viii), respectively. They must also consult with “members and representatives of special populations” in developing the state plan, although the statute does not articulate how such individuals are to be selected or how many must be consulted. Perkins V section 122(c)(1)(A)(iv).

State Level Activities: The state eligible agency may reserve up to 10 percent of the funds awarded to the state for state leadership activities. Perkins V section 112(a)(2). Not less than \$60,000 and not more than \$150,000 of these funds must be available for “services that prepare individuals for non-traditional fields.” Perkins V section 112(a)(2)(B). States also are required to use 0.1 percent of their State leadership funds, or \$50,000, whichever is less, for “the recruitment of special populations to enroll in career and technical education programs.” Perkins V section 112(a)(2)(C). Additionally, the state eligible agency may make an amount equal to not more than 2 percent of the state allotment available “to serve individuals in State institutions, such as State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities.” Perkins V section 112(a)(2)(A).

Other allowable state leadership activities include: supporting subrecipients in eliminating inequities in student access to “high-quality programs of study that provide skill development” and “effective teachers, faculty, specialized instructional support personnel, and paraprofessionals” and supporting CTE programs for “adults and out-of-school youth concurrent with their completion of their secondary school education in a school or other educational setting.” Perkins V sections 122(b)(6) and 122(b)(10), respectively.

The state eligible agency must award 85 percent of the state allotment to local subrecipients. Perkins V section 112(a)(1). It has the option of reserving up to 15 percent of these funds to make grants to certain local subrecipients through a means other than the formulas provided in the law for the distribution of funds to secondary and postsecondary subrecipients. This special “reserve” fund may be awarded to subrecipients in rural areas; areas with high percentages of CTE concentrators<sup>i</sup> or CTE participants; areas with high numbers of CTE concentrators or CTE participants; and areas with disparities or gaps in performance between all CTE concentrators and CTE concentrators who are members of special populations, from

	<p>major racial and ethnic groups, or who are migrants. The funds must be used to foster innovation through the identification and promotion of promising and proven CTE programs, practices, and strategies, which may include programs, practices, and strategies that prepare individuals for nontraditional fields” or to “promote the development, implementation, and adoption of programs of study or career pathways aligned with State-identified high-skill, high-wage, or in-demand occupations or industries with State-identified high-skill, high-wage, or in-demand occupations or industries.” Perkins V section 112(c).</p> <p><u>Local Application:</u> In carrying out their comprehensive needs assessment, subrecipients must consult with representatives of special populations and “representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth.” Perkins V sections 134(d)(5)) and 134(d)(6), respectively. The assessment must include an evaluation of the performance of members of special populations and the subrecipient’s progress in: (1) “implementing strategies to overcome barriers that result in lower rates of access to, or performance gaps in, its CTE courses and programs for special populations; (2) providing programs that are designed to enable special populations to meet the local levels of performance; and (3) providing activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations in competitive, integrated settings that will lead to self-sufficiency.” Perkins V sections 134(c)(2)(A) and 134(c)(2)(E), respectively.</p> <p>In the applications that they submit to the State, subrecipients must describe how they will provide activities to prepare special populations for “high-skill, high-wage, or in-demand industry sectors or occupations,” provide to members of special populations equal access to CTE courses, programs, and programs of study, and ensure that members of special populations will not suffer discrimination. Perkins V section 134(b).</p> <p><u>Uses of Funds:</u> Subrecipients may use their subgrant funds “to reduce or eliminate out-of-pocket expenses for members of 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.” Perkins V section 135(b)(5)(S).</p> <p>Both state eligible agencies and subrecipients may use Perkins V funds to pay for the costs of CTE services that are necessary to meet the requirements of Section 504 of the Rehabilitation Act. Perkins V section 224(c).</p>
<b>Funding</b>	<p>In Fiscal Year (FY) 2019, the U.S. Department of Education awarded \$1.26 billion in grants to States, as well as the District of Columbia, Puerto Rico, and the Virgin Islands, through a formula that distributes funds based on per-capita income and population.</p> <p>States determine the split of funds between secondary and postsecondary education. In FY 2018, on average, States allocated 62 percent of their subgrant funds to</p>

	secondary programs and 38 percent to postsecondary programs. These funds are distributed to eligible entities using formulas established by law.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">Carl D. Perkins Career and Technical Education Act, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V)</a></li> <li>• <a href="#">Perkins Collaborative Resource Network</a></li> <li>• <a href="#">Perkins Data Explorer</a></li> <li>• <a href="#">Disaggregating Career Technical Education Data</a></li> <li>• <a href="#">Perkins V: An Opportunity to “Rethink CTE</a></li> </ul>

## Title VI of the Civil Rights Act of 1964

<b>Overview</b>	Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. The U.S. Department of Education’s Office for Civil Rights (OCR) enforces Title VI with respect to entities that receive federal financial assistance from the U.S. Department of Education.
<b>Why This Law Matters</b>	<p>Title VI applies to state education agencies (SEAs), local education agencies (LEAs), institutions of higher education, area CTE schools<sup>ii</sup>, and other public and private recipients of any federal financial assistance, including recipients of Perkins V funds. Under Title VI, recipients may not exclude, deny benefits to, or subject to discrimination any person on the basis of race, color, or national origin. Title VI applies to all of a recipient’s programs and activities, including academics, financial aid, CTE courses, extracurricular activities, athletics, and other programs.</p> <p>Discrimination on the basis of race, color, or national origin includes discrimination based on a person’s actual or perceived race, color, national origin, ethnicity, or ancestry.</p>
<b>How This Law Relates to CTE Access and Success</b>	<p>Title VI covers all of the operations of an SEA, LEA, school, or institution that receives federal financial assistance. This includes: all aspects of CTE admissions and recruitment practices, promotional materials, financial aid for students, counseling and guidance, discipline, classroom assignments, grading, and employment. Title VI generally applies to actions of an SEA, LEA, school, or institution, including those that take place in the facilities of the school, on a school bus, at a class or training program, or a work-based learning opportunity sponsored by the school at another location.</p> <p>All recipients are prohibited from excluding any person, on the basis of race, from access to any CTE classes or from admission to any institution of career and technical education. Furthermore, CTE classes and programs may not racially segregate students or offer students different opportunities or resources on the basis of race.</p> <p>The U.S. Department of Education’s Title VI regulations also set out Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (34 C.F.R. Part 100, Appendix B), which identify civil rights compliance responsibilities for state agencies that administer CTE programs. These responsibilities include: conducting targeted compliance reviews of selected schools that provide CTE; securing corrective action when civil rights violations are found; and periodically reporting civil rights activities and findings to OCR.</p>
<b>Funding</b>	While Title VI applies to SEAs, LEAs, schools, and institutions that receive federal financial assistance, Title VI itself is a civil rights law and does not provide funding for programs and activities.
<b>Applicable U.S. Department of Education and</b>	<ul style="list-style-type: none"> <li>• <a href="#">ED Regulations for Title VI of the Civil Rights Act of 1964 (34 CFR Part 100)</a></li> <li>• <a href="#">OCR Frequently Asked Questions on Race and National Origin Discrimination</a></li> <li>• <a href="#">OCR Overview on Race and National Origin Discrimination</a></li> <li>• <a href="#">OCR Guidance on Race and National Origin Discrimination</a></li> </ul>

<b>related Federal resources</b>	<ul style="list-style-type: none"><li data-bbox="431 197 1052 228">• <a href="#">OCR Methods of Administration (MOA) Program</a></li><li data-bbox="431 233 1052 264">• <a href="#">U.S. Department of Justice – Overview of Title VI</a></li></ul>
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## Title IX of the Education Amendments of 1972

<b>Overview</b>	Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs or activities that receive federal financial assistance. The U.S. Department of Education’s Office for Civil Rights (OCR) enforces Title IX with respect to entities that receive federal financial assistance from the U.S. Department of Education.
<b>Why This Law Matters</b>	Title IX applies to state education agencies (SEAs), local education agencies (LEAs), and institutions of higher education, area CTE schools, and other public and private entities that receive federal financial assistance for educational programs or activities. Title IX applies to a recipient’s academics, CTE courses, extracurricular activities, athletics, and other programs. All recipients of federal financial assistance must designate an employee as a Title IX coordinator to coordinate their efforts to comply with and carry out their responsibilities under Title IX. Recipients may not exclude, deny benefits to, or otherwise subject to discrimination any person on the basis of sex, unless expressly authorized to do so under Title IX or its Title IX implementing regulations.
<b>How This Law Relates to CTE Access and Success</b>	<p>Title IX covers all the educational programs and activities of an SEA, LEA, school, or institution that receives federal financial assistance. This includes, but is not limited to: all aspects of CTE and other programs, such as financial aid for students, counseling and guidance, discipline, classroom assignments, grading, and employment. Title IX generally applies to the actions of an SEA, LEA, school, or institution, including those that take place in the facilities of the school, on a school bus, at a class or training program, or a work-based learning opportunity sponsored by the school at another location.</p> <p>The U.S. Department of Education’s Title IX regulations also set out <a href="#">Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs</a> (34 CFR. Part 106, Appendix A), which identify civil rights compliance responsibilities for state agencies that administer CTE programs. These responsibilities include: conducting targeted compliance reviews of selected schools that provide CTE; securing voluntary corrective action when civil rights violations are found; and periodically reporting civil rights activities and findings to OCR.</p> <p>All recipients are generally prohibited from excluding any person, on the basis of sex, from access to any CTE classes or from admission to any institution of career and technical education.</p>
<b>Funding</b>	While Title IX applies to educational programs and activities that receive federal financial assistance, Title IX itself does not provide funding for programs and activities.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">ED Regulations for Title IX of the Education Amendments of 1972 (34 CFR Part 106)</a></li> <li>• <a href="#">OCR Overview on Sex Discrimination</a></li> <li>• <a href="#">OCR Frequently Asked Questions about Sex Discrimination</a></li> <li>• <a href="#">OCR Guidance on Sex Discrimination</a></li> <li>• <a href="#">OCR Methods of Administration (MOA) Program</a></li> </ul>

	<ul style="list-style-type: none"><li>• U.S. Department of Justice – <a href="#">Overview of Title IX of the Education Amendments of 1972</a></li><li>• U.S. Department of Justice – <a href="#">Title IX of the Education Amendments of 1972</a></li></ul>
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## Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990

<p><b>Overview</b></p>	<p>Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability in any program or activity operated by an entity that receives federal financial assistance (such as grants or student loans). The U.S. Department of Education’s Office for Civil Rights (OCR) enforces Section 504 with respect to entities that receive federal financial assistance from the Department.</p> <p>Title II of the Americans with Disabilities Act of 1990 (ADA Title II) prohibits discrimination based on disability by public entities (such as LEAs and public institutions of higher education), regardless of whether they receive federal financial assistance. OCR shares in the enforcement of ADA Title II in public education with the U.S. Department of Justice. In general, Section 504 and ADA Title II nondiscrimination standards are the same, and in general, actions that violate Section 504 also violate ADA Title II. However, where ADA Title II requirements exceed Section 504 requirements, LEAs and public institutions of higher education must comply with the Title II requirements.</p>
<p><b>Why These Laws Matter</b></p>	<p>Section 504 and ADA Title II require that entities that receive federal financial assistance (Section 504) and public entities (ADA Title II) provide individuals with disabilities an equal opportunity to participate.</p> <p>Under Section 504 and ADA Title II, a person with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The determination of whether a student has a physical or mental impairment that substantially limits a major life activity (and therefore has a disability) must be made on a case by case basis. In addition, when determining if someone meets the definition of a disability, the definition must be viewed to provide broad coverage of individuals.</p> <p>Under Section 504, recipients that operate a public elementary or secondary education program or activity are required to provide each student with a disability a free appropriate public education (FAPE). FAPE under Section 504 is the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met and that meet certain procedural requirements. Examples of aids and services an LEA may be required to provide include transportation, physical therapy, or speech language therapy.</p> <p>Section 504 and ADA Title II protect students with disabilities in institutions of higher education from disability-based discrimination. However, the Section 504 FAPE provisions do not apply in the postsecondary context. At the postsecondary level, a recipient institution of higher education is required to provide students with disabilities with appropriate academic adjustments and auxiliary aids and services that are necessary to afford an individual with a disability an equal opportunity to participate in the recipient institution’s program. Recipients are</p>

	<p>not required to make adjustments or provide aids or services that would result in a fundamental alteration of a recipient's program or impose an undue burden. An example of an academic adjustment is extra time to take a test. Examples of auxiliary aids include notetakers, interpreters, readers, and accessible technology.</p> <p>Under the ADA Title II, LEAs and public institutions of higher education shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. An example of a modification is when an LEA provides or allows the use of tactile chess sets and other adaptive materials and equipment so that a student with a visual disability can participate in the school's chess club. In addition, to ensure effective communication, LEAs and public institutions of higher education shall furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity of a public entity.</p> <p>In addition, under Section 504 and ADA Title II, LEAs and institutions of higher education are required to ensure that students and others with disabilities, including parents, are not denied access to programs or activities because of inaccessible facilities, including academic buildings, walkways, restrooms, athletic facilities, and parking spaces. The precise requirements that LEAs and institutions of higher education must meet to ensure physical accessibility depends on the date a building (or facility) was initially built (constructed) or altered. For more information about accessibility requirements, please visit <a href="https://www2.ed.gov/ocr/frontpage/faq/rr/policyguidance/disability.html">https://www2.ed.gov/ocr/frontpage/faq/rr/policyguidance/disability.html</a> and <a href="http://www.ada.gov">www.ada.gov</a></p> <p>All recipients of federal funds that employ 15 or more persons must designate an employee as a Section 504 coordinator, and all public entities that employ 50 or more persons must designate an employee as an ADA coordinator, to coordinate their efforts to comply with and carry out their responsibilities under Section 504 or ADA Title II.</p>
<p><b>How These Laws Relate to CTE Access and Success</b></p>	<p>Section 504 covers all of the operations of a state agency, LEA, school, or institution of higher education that receives federal financial assistance. ADA Title II covers all public entities such as a state agency, LEA, public school, or public institution of higher education regardless of receipt of Federal funds. Thus, Section 504 and ADA Title II coverage includes, but is not limited to: all aspects of CTE and other programs, such as financial aid for students, counseling and guidance, discipline, classroom assignments, grading, and employment. Section 504 and ADA Title II apply to actions of a state agency, LEA, school, or institution regardless of where they occur, including those that take place in the facilities of the school, on a school bus, at a class or training program, or a work-based learning opportunity sponsored by the school at another location.</p> <p>The U.S. Department of Education's Section 504 regulations also set out <a href="#">Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color,</a></p>

[National Origin, Sex, and Handicap in Vocational Education Programs](#) (34 CFR Part 104, Appendix B), which identify civil rights compliance responsibilities for state agencies that administer CTE programs. These responsibilities include: conducting targeted compliance reviews of selected schools that provide CTE; securing voluntary corrective action when civil rights violations are found; and periodically reporting civil rights activities and findings to OCR.

CTE can play an important role in the provision of services to a student with a disability under Section 504. Perkins V funds may be used in several ways to serve students with disabilities and improve their transition and other outcomes.

Individuals with a disability as defined in section 3 of ADA includes individuals with a disability under Section 504. Individuals with a disability are a special population in Perkins V. Perkins V sections 3 (28) and (48)). Their outcomes on Perkins V's performance indicators are disaggregated in public reports, and State-determined and local levels of performance must require the state eligible agency and each subrecipient to "continually make meaningful progress toward improving the performance of all CTE concentrators, including members of special populations," such as individuals with disabilities. Perkins V sections 113(b)(3)(C)(ii)(I)(aa), 113(b)(3)(A)(i)(II)(bb) and 113(b)(4)(A)(II), respectively.

At the state level, the state eligible agency may use state leadership funds in an amount of up to 2 percent of the state allocation to serve "individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities." Perkins V section 124(a)(1)(B). State leadership funds also may be used to recruit members of special populations to enroll in CTE programs. Perkins V section 112(a)(1)(C). However, recruitment must always be done consistent with federal anti-discrimination laws barring discrimination based on race, sex, and disability status. Additionally, state leadership funds may be used to train CTE teachers, faculty, specialized instructional support personnel, and paraprofessionals "to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support." Perkins V section 124(b)(5)(B).

At the local level, Perkins V authorizes subrecipients to use their subgrant funds to train 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 or the IDEA. Perkins V section 135(b)(2)(G). Another authorized use of subgrant funds is 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

	<p>supports, and positive behavioral interventions and support.” Perkins V section 135(b)(2)(H).</p> <p>Both state eligible agencies and subrecipients may use Perkins V funds to pay for the costs of CTE services that are necessary to meet the requirements of Section 504 of the Rehabilitation Act. Perkins V section 224(c)).</p>
<b>Funding</b>	Section 504 and ADA Title II are civil rights laws and do not provide any additional funding to states, LEAs, schools, or institutions of higher education.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">ED regulations implementing Section 504, 34 CFR Part 104</a></li> <li>• <a href="#">DOJ regulations implementing ADA Title II, 28 CFR Part 35 (ED/OCR shares in the enforcement of DOJ’s Title II regulations with respect to public education)</a></li> <li>• <a href="#">OCR Overview of Disability Discrimination Laws</a></li> <li>• <a href="#">OCR Guidance on Disability Discrimination</a></li> <li>• <a href="#">OCR Methods of Administration (MOA) Program</a></li> <li>• <a href="#">Protecting Students with Disabilities: Frequently Asked Questions About Section 504 and the Education of Children with Disabilities</a></li> <li>• <a href="#">Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools</a></li> <li>• <a href="#">Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities</a></li> <li>• U.S. Department of Labor—<a href="#">Job Accommodation Network</a></li> <li>• U.S. Department of Labor—<a href="#">Guideposts for Success</a></li> <li>• U.S. Department of Labor—<a href="#">The Why, When, and How of Disclosure in an Academic Setting, After High School</a></li> <li>• U.S. Department of Labor—<a href="#">Career Focused Mentoring for Youth: The What, Why, and How</a></li> <li>• <a href="#">U.S. Department of Justice—Information and Technical Assistance on the Americans with Disabilities Act</a></li> </ul>

## Equal Educational Opportunities Act of 1974

<b>Overview</b>	The Equal Educational Opportunities Act of 1974 (EEOA) prohibits, among other conduct, deliberate segregation on the basis of race, color, and national origin, and the failure to remove language barriers that prevent students from being able to participate equally in a school’s instructional program.
<b>Why This Law Matters</b>	The EEOA requires state educational agencies (SEAs) and LEAs to take action to overcome language barriers that impede English Learner (EL) students from participating equally in their educational programs. The EEOA establishes a dual obligation on the part of SEAs and LEAs to provide EL students language assistance programs, as well as assistance in other areas of the curriculum where their equal participation may be impaired by academic deficits incurred while they were learning English. This dual obligation requires SEAs and LEAs to design and implement EL programs that are reasonably calculated to enable EL students to attain both English proficiency and parity of participation in the standard instructional program within a reasonable period of time.
<b>How This Law Relates to CTE Access and Success</b>	In addition to ensuring EL students have access to the core curriculum, SEAs and LEAs must provide EL students equal opportunities to meaningfully participate in all programs and activities of the SEA or LEA—whether curricular, co-curricular, or extracurricular. Such programs and activities include CTE programs, magnet programs, counseling services, Advanced Placement and International Baccalaureate courses, gifted and talented programs, online and distance learning opportunities, performing and visual arts, athletics, and extracurricular activities such as clubs and honor societies.
<b>Funding</b>	EEOA is a civil rights law and does not provide funding for programs and activities.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• The EEOA is enforced by the U.S. Department of Justice.</li> <li>• U.S. Department of Justice—<a href="#">Information on Types of Discrimination in Educational Opportunities</a></li> </ul>

## Individuals with Disabilities Education Act (IDEA)

<p><b>Overview</b></p>	<p>The Individuals with Disabilities Education Act (IDEA) is a federal law that provides Federal funds to States, and through them, to eligible local educational agencies, to assist in providing special education and related services to eligible children with disabilities. The cornerstone of the IDEA is the entitlement of each eligible child with a disability to a free appropriate public education (FAPE) in the least restrictive environment that emphasizes special education and related services designed to meet the child’s unique needs and that prepare the child for further education, employment, and independent living. IDEA Part B is a State-administered formula grant program that requires States and their public agencies to make FAPE available to eligible children with disabilities.</p>
<p><b>Why This Law Matters</b></p>	<p>The IDEA governs how states and public agencies provide special education, and related services to more than an estimated 7.2 million eligible children and youth with disabilities. Under IDEA, child with a disability means a child with an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, because of that disability, needs special education and related services. An eligible child’s or youth’s entitlement to FAPE could last until the individual’s 22<sup>nd</sup> birthday depending on State law or practice. FAPE includes the provision of special education and related services at no cost to parents, provided in conformity with an individualized education program (IEP). Special education includes specially designed instruction to meet the unique needs of a child with a disability and could include career and technical education when applicable. Related services include support services that are required to assist a child with a disability to benefit from special education, and include transportation, speech pathology and audiology services, physical therapy and occupational therapy, counseling services, including rehabilitation counseling.</p> <p>An IEP based on the individual needs of the child is the primary vehicle for providing FAPE. An IEP must include a statement of the child’s present levels of academic achievement and functional performance, and the impact of that child’s disability on his or her involvement and progress in the general education curriculum, which is, the same curriculum as for nondisabled children. Each child’s IEP must contain a statement of measurable annual academic and functional goals that are designed to enable the child to be involved in and make progress in the general education curriculum, and to meet the child’s needs that result from the child’s disability. IEP goals must be aligned with grade-level content standards for all children with disabilities. Note though that there are a small number of children with the most significant cognitive disabilities whose performance is measured against alternate academic achievement standards, and their IEP goals must reflect high expectations and be based on the State’s academic content standards for the grade in which the child is enrolled. The child’s IEP must be reviewed at least annually, to determine whether the annual goals for the child are being achieved. It must be revised, as appropriate, to address any lack of expected</p>

progress toward the annual goals and in the general education curriculum, if appropriate, the results of any reevaluation that may have been conducted, information about the child provided to, or by, the parents, the child's anticipated needs, or other matters.

The IDEA also requires that each eligible child be educated in the least restrictive environment (LRE) that meets the child's individual needs. These requirements reflect the IDEA's strong preference for educating children with disabilities in regular classes with appropriate aids and supports. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, must be educated with children who do not have a disability. The LRE requirement applies to CTE courses and work-based learning opportunities provided in conjunction with a CTE course or program. Further, special classes, separate schooling, or other removal of children with disabilities from the regular educational environment can occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The IDEA and its implementing regulations also address transition services for children with disabilities so that they are prepared for adulthood after high school. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the state or the IEP Team, the IEP must include appropriate measurable postsecondary goals related to training, education, employment, and where appropriate independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals. The transition services components of the IEP must be updated annually. The IDEA defines the term "transition services" to mean "a coordinated set of activities for a child with a disability that—

- is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation;
- is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
- includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. "

Under IDEA Part D—National Activities to Improve Education of Children with Disabilities, the Office of Special Education and Rehabilitative Services funds the National Technical Assistance Center on Transition (NTACT), which provides additional resources about IDEA's transition services requirements.

<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>CTE can play an important part in the transition services that must be provided to an eligible student with a disability, and Perkins V funds may be used in several ways to serve students with disabilities and improve their transition and other outcomes.</p> <p>Individuals with any disability as defined in section 3 of ADA, which would include children eligible for and served by the IDEA, are a special population in Perkins V. Perkins V sections 3 (28) and (48), respectively. Their outcomes on the law’s performance indicators are disaggregated in public reports. Perkins V section 113(b)(3)(C)(ii)(I)(aa). State-determined and local levels of performance must require the state eligible agency and each subrecipient to “continually make meaningful progress toward improving the performance of all CTE concentrators, including members of special populations,” such as individuals with disabilities. Perkins V sections 113(b)(3)(A)(i)(II)(bb) and 113(b)(4)(A)(II), respectively.</p> <p>At the state level, the state eligible agency may use state leadership funds in an amount up to 2 percent of the state allocation to serve “individuals in State institutions, such as State correctional institutions, including juvenile justice facilities, and educational institutions that serve individuals with disabilities.” Perkins V section 124(a)(1)(B). State leadership funds also may be used to recruit members of special populations to enroll in CTE programs. Perkins V section 112(a)(1)(C). Additionally, state leadership funds may be used to train CTE teachers, faculty, specialized instructional support personnel, and paraprofessionals “to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support.” Perkins V section 124(b)(5)(B).</p> <p>At the local level, Perkins V authorizes subrecipients to use their subgrant funds to train 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 or the IDEA. Perkins V section 135(b)(2)(G). Another authorized use of subgrant funds is 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.” Perkins V section 135(b)(2)(H). Perkins V also encourages subrecipients to coordinate their activities with transition-related services provided to students under other Federal laws , including the IDEA, as they plan and implement CTE programs and programs of study. Perkins V section 135(B)(5)(H).</p> <p>Both state eligible agencies and subrecipients may use Perkins V funds to pay for the costs of CTE services required in an IEP developed under IDEA or the costs of</p>
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	CTE services necessary to meet the requirements of section 504 of the Rehabilitation Act. Perkins V section 224(c).
<b>Funding</b>	Congress appropriated \$12.4 billion for the IDEA Part B Grants to States for FY 2019. Most of the federal funds provided to states must be allocated to LEAs pursuant to a statutory formula. However, a portion of the funds may be used for authorized state-level activities, which may present opportunities for the state agency administering Perkins V and the state agency administering IDEA to collaborate on projects and activities related to improving the outcomes of students with disabilities in CTE.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities</a></li> <li>• <a href="#">Questions and Answers on Secondary Transition</a></li> <li>• U.S. Department of Labor—<a href="#">Job Accommodation Network</a></li> <li>• U.S. Department of Labor—<a href="#">Guideposts for Success</a></li> <li>• U.S. Department of Labor—<a href="#">The Why, When, and How of Disclosure in an Academic Setting, After High School</a></li> <li>• U.S. Department of Labor—<a href="#">Career Focused Mentoring for Youth: The What, Why, and How</a></li> </ul>

## Workforce Innovation and Opportunity Act (WIOA) Title I Adult, Dislocated Worker and Youth Programs

<p><b>Overview</b></p>	<p>Title I of the Workforce Innovation and Opportunity Act (WIOA) authorizes employment and training services for adults, dislocated workers, and youth that are administered by the U.S. Department of Labor (DOL) through formula grants to states. WIOA Title I places emphasis on serving individuals with barriers to employment effectively and providing them with opportunities to participate in education and training programs to help them succeed in the labor market.</p>
<p><b>Why This Law Matters</b></p>	<p>WIOA Title I identifies 14 subpopulations as “individuals with barriers to employment,” some of which are also identified as “special populations” in Perkins V. They are:</p> <ul style="list-style-type: none"> <li>• Displaced homemakers;</li> <li>• Low-income individuals;</li> <li>• American Indians, Alaska Natives, and Native Hawaiians;</li> <li>• Individuals with disabilities, including youth who are individuals with disabilities;</li> <li>• Individuals age 55 or older;</li> <li>• Ex-offenders;</li> <li>• Homeless individuals, including homeless children and youth;</li> <li>• Youth who are in or who have aged out of the foster care system;</li> <li>• Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers;</li> <li>• Eligible migrant and seasonal farmworkers;</li> <li>• Individuals within 2 years of exhausting lifetime eligibility under part A of Title IV of the Social Security Act (Temporary Assistance for Needy Families);</li> <li>• Single parents (including pregnant women);</li> <li>• Long-term unemployed individuals; and</li> <li>• Such other groups as the Governor of a state receiving a grant under WIOA determines to have barriers to employment.</li> </ul> <p>Like Perkins V, WIOA uses the disaggregation of subgroup outcomes as a strategy to promote access and success. It requires states and local areas to report on the numbers of each subpopulation that they serve each year in each WIOA Title I program, as well as on the employment, earnings, and other outcomes of each subpopulation in each program.</p> <p>Out-of-school youth are the principal focus of the WIOA Title I Youth program. Local areas must spend 75 percent of their funds on services and activities for out-of-school youth ages 16 through 24. The remaining 25 percent can be spent on in-school youth ages 14 to 21 who are low-income and one or more of the following: basic-skills deficient; an English language learner; an offender; homeless; a runaway; in foster care or has aged out of the foster care system; pregnant or parenting; a youth who is an individual with a disability; or an individual who requires additional assistance to complete an educational program or to secure or hold employment.</p>

	<p>WIOA Title I also authorizes employment and training grant programs for Indian and Native Americans and migrant and seasonal farmworkers.</p>
<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>Under WIOA Title I, States are required to submit a Unified State Plan that includes a four-year strategy for the State’s workforce development system. States also have the option to submit a Combined State Plan that includes the six required WIOA core programs, plus one or more other partner programs, such as Perkins V.</p> <p>WIOA Title I establishes a system of American Job Centers (also known as one-stop career centers) in local communities through which job-seekers and others can obtain assistance in finding employment and access employment, training, and education services from an array of federal programs, including programs offered by postsecondary recipients of Perkins V funds.</p> <p>Governors reserve a portion of WIOA Title I funds for statewide activities, many of which are relevant to CTE and may provide opportunities for partnerships with state eligible agencies. Statewide activities can include, for example, developing evidence-based programs that enhance the education and employment choices available to youth; implementing programs to increase the number of individuals training for and placed in nontraditional employment; developing strategies for effectively serving individuals with barriers to employment; and implementing career pathway programs.</p> <p>Work-based learning can be one area for possible collaboration with CTE because 20 percent of the WIOA Title I Youth funds must be spent on “paid and unpaid work experiences that have as a component academic and occupational education.”</p> <p>Career pathways development presents another opportunity for collaboration. The local boards that administer WIOA Title I funds must work with representatives of secondary and postsecondary programs to develop and implement career pathways, particularly for individuals with barriers to employment.</p>
<p><b>Funding</b></p>	<p>In Fiscal Year 2019, \$2.8 billion was appropriated for the WIOA Title I formula programs. States distribute the funds they receive by formula to local areas.</p>
<p><b>Applicable U.S. Department of Education and related Federal resources</b></p>	<ul style="list-style-type: none"> <li>• Perkins Collaborative Resource Network <a href="#">Workforce Innovation and Opportunity Act</a></li> <li>• Perkins Collaborative Resource Network—<a href="#">Top Things to Know about the Workforce Innovation and Opportunity Act and Perkins</a></li> <li>• Perkins Collaborative Resource Network –<a href="#">Implications of WIOA and Perkins</a> (webinar)</li> <li>• U.S. Department of Labor – <a href="#">The Workforce Innovation and Opportunity Act</a></li> <li>• U.S. Department of Labor – <a href="#">WIOA Title I Youth Formula Program</a></li> <li>• U.S. Department of Labor— <a href="#">WIOA Title I Youth Program Element Resources</a></li> <li>• U.S. Department of Labor – <a href="#">WIOA Title I Youth Program Finder</a></li> <li>• U.S. Department of Labor – <a href="#">Final WIOA Unified and Combined State Plan Requirements</a></li> </ul>

Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended by  
the Every Student Succeeds Act (ESEA)

<p><b>oOverview</b></p>	<p>The purpose of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended in 2015 by the Every Student Succeeds Act (ESEA), is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.</p>
<p><b>Why This Law Matters</b></p>	<p>The ESEA provides funding to SEAs and LEAs to improve the academic achievement of all students, including, particularly, low-income students and several other subpopulations. ESEA’s largest program, Title I, Part A Grants to LEAs, provides supplemental funding for local programs that provide extra academic support to help low-achieving students in high-poverty schools meet challenging state academic standards. Funds may be used according to one of two models: a targeted assistance model that supplements the regular education program for individual students deemed most in need of special assistance, or a schoolwide model that allows schools to use Title I, Part A funds in combination with other federal, state, and local funds to improve the overall instructional program in a school in order to raise the achievement of low-achieving students. Schools serving attendance areas in which at least 40 percent of students are from low-income families or schools in which such students account for at least 40 percent of enrollment are eligible to operate a schoolwide program, but a state also may grant waivers to operate a schoolwide program to schools not meeting these eligibility requirements. In the 2016-2017 school year, states reported that 47,511 schools, or 80 percent of all Title I schools, operated a schoolwide program, which accounted for approximately 96 percent of participating students.<sup>iii</sup></p> <p>Title I, Part A also includes important accountability requirements that focus attention on the needs of low-income students and other subpopulations:</p> <ul style="list-style-type: none"> <li>• States must adopt challenging statewide academic content standards and statewide academic achievement standards that apply to all public schools and public school students in the state in, at minimum, math, reading/language arts, and science. These state standards must be aligned with entrance requirements for credit-bearing coursework in the state’s public higher education system and with relevant state CTE standards. States also must establish standards for English-language proficiency (ELP) that are aligned with the state’s academic standards and administer statewide ELP assessments annually to each English learner.</li> <li>• States must administer statewide assessments in reading and math that are aligned with their academic standards every year in grades 3-8 and at least once in grades 9-12. States must administer statewide assessments in science that are aligned with their academic standards at least once in grades 3-5, at least once in grades 6-9, and at least once in grades 10-12</li> </ul>

	<ul style="list-style-type: none"><li>• Each state must establish ambitious, statewide, long-term goals and measurements of interim progress for imp all students and students from each major ethnic and racial group, economically disadvantaged students, children with disabilities, and English learners for academic achievement as measured by proficiency on state assessments in reading/language arts and math and for the four-year adjusted cohort graduation rate and, at a State’s discretion, one or more extended-year adjusted cohort graduation rates. States also must set ambitious, statewide long-term goals and measurements of interim progress for increases in the percentage of English learners making progress toward achieving English-language proficiency (ELP) within a state-determined timeframe.</li><li>• Each state is required to develop a system of annual meaningful differentiation (i.e., a state accountability system) that meaningfully differentiates the performance of all students and students from each major ethnic and racial group, economically disadvantaged students, children with disabilities, and English learners on five indicators. Those indicators include academic achievement, a measure of student growth or another valid and reliable academic indicator for schools that are not high schools, graduation rate for high schools, progress in achieving ELP, and school quality or student success.</li><li>• At least once every three years, the state accountability system must identify for “comprehensive support and improvement” those Title I schools that are among the lowest performing 5 percent of Title I schools in the state and all high schools that fail to graduate one-third or more of their students. LEAs must then develop and implement a plan for each of these schools that is approved by the school, LEA, and the state. This plan must be based on a needs assessment and include evidence-based interventions. If the school does not exit “comprehensive support and improvement” within a state-determined number of years (but not to exceed four years), the result will be more rigorous actions identified by the state.</li><li>• The state accountability system also must identify annually for “targeted support and Improvement” any school that has one or more subgroups (i.e., students from each major ethnic and racial group; children with disabilities; economically disadvantaged students, and English learners) that are consistently underperforming (as defined by the state). Each school must then develop and implement an improvement plan that includes evidence-based interventions and that is subject to approval by the LEA. If the school is unsuccessful in implementing its improvement plan within an LEA-determined number of years, the LEA must take additional action. Additionally, any school whose results for any of the student subgroups meet the criteria for the lowest performing 5 percent of Title I schools in the state (i.e., those schools identified for comprehensive support and improvement based on low performance) must be identified for “additional targeted support and improvement.” If a school in this latter group of schools receives Title I funds and does not meet the state’s criteria for exiting “additional targeted support</li></ul>
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	<p>and improvement” within a state-determined number of years, the state must identify it as a “comprehensive support and improvement” school.</p> <p>States must reserve a portion of their Title I, Part A, Subpart 2 funds for school improvement activities that are distributed to LEAs to serve “comprehensive support and improvement” and “targeted support and improvement” schools. States may reserve additional funds for direct student services, with priority given to LEAs that serve the highest percentage of schools identified for comprehensive or targeted support and improvement.</p> <p>States must publish State and LEA report cards that disaggregate state assessment results for students from each major ethnic and racial group, economically disadvantaged students, children with disabilities, English learners, migrant status, students who are homeless, students in foster care, and students with a parent on active duty in the military. State and LEA report cards must also include disaggregated data on graduation rates.</p> <p>Title I, Part A of ESEA also has important provisions for youth in foster care, a special population under Perkins V. These provisions emphasize the importance of limiting educational disruption by keeping children in foster care who move (due to entering the foster care system or due to changing placements) in their school of origin, unless it is determined to be in their best interest to change schools. These provisions also ensure that, if it is not in their best interest to remain in their school of origin, children in foster care are enrolled in their new school without delay.</p>
<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>ESEA Title I, Part A funds may be used by LEAs for programs that “coordinate and integrate academic and CTE content through coordinated instructional strategies, that may incorporate experiential learning opportunities and promote skills attainment important to in-demand occupations or industries in the State” and “work-based learning opportunities that provide students in-depth interaction with industry professionals and, if appropriate, academic credit.” ESEA section 1112(b)(12). ESEA Title I, Part A schoolwide programs may include “preparation for and awareness of opportunities for postsecondary education and the workforce, which may include career and technical education programs.” ESEA section 1114(b)(7)(A)(iii)(II). Schoolwide programs also may use funds for dual enrollment activities, including “training for teachers, and joint professional development for teachers in collaboration with career and technical educators and educators from institutions of higher education, where appropriate, for the purpose of integrating rigorous academics in such program. ESEA section 1114(e)(2)(A)).</p> <p>The Perkins V accountability system shares some performance indicators with the ESEA Title I, Part A accountability system: proficiency on the state assessments in reading/language arts and mathematics and the four-year adjusted cohort graduation rate. State eligible agencies and subrecipients also must disaggregate performance outcomes for the same student subgroups as ESEA Title I, Part A, as</p>

	<p>well as for other subgroups identified as “special populations” in section 3 (48) of Perkins V.</p> <p>Further, ESEA section 1003A permits a State to set aside a portion of Title I, Part A funds for LEAs to provide direct student services. These may include CTE coursework that is aligned with the challenging State academic standards and that leads to industry-recognized credentials.</p>
<b>Funding</b>	<p>Congress appropriated \$15.9 billion for the ESEA Title I, Part A program for FY 2019. The program serves an estimated 25 million students in nearly 90 percent of school districts and nearly 60 percent of all public schools.<sup>iv</sup></p>
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act</a></li> <li>• <a href="#">Every Student Succeeds Act Program Page</a></li> <li>• <a href="#">Students in Foster Care Program Page</a></li> <li>• <a href="#">Homeless Students Program Page</a></li> <li>• <a href="#">New English Learner Page</a></li> <li>• <a href="#">Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care</a></li> </ul>

## Education for Homeless Children and Youths Program

<p><b>Overview</b></p>	<p>The Education for Homeless Children and Youths (EHCY) program helps ensure that all homeless children and youth have equal access to the same free, appropriate public education available to children who are not homeless.</p>
<p><b>Why This Law Matters</b></p>	<p>Under the McKinney-Vento Homeless Assistance Act, the term “homeless children and youths” means individuals who lack a fixed, regular, and adequate nighttime residence and includes children and youths:</p> <ul style="list-style-type: none"> <li>• who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason;</li> <li>• are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;</li> <li>• are living in emergency or transitional shelters; or are abandoned in hospitals;</li> <li>• who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;</li> <li>• who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and</li> <li>• who are migratory children who live in one of the above circumstances.</li> </ul> <p>In school year 2016-17, more than 1.3 million students were identified as homeless.<sup>v</sup></p> <p>The EHCY program awards formula grants to SEAs. Every SEA that receives funds must have an Office of the State Coordinator to oversee implementation of the EHCY program and its requirements. A state may reserve up to 25 percent (or in the case of a State receiving the minimum award, 50 percent) of its allocation for state-level activities and must use remaining funds to make subgrants to LEAs. LEAs may use subgrant funds for activities such as enriched supplemental instruction; transportation; professional development; referrals to health care; and other services to facilitate the enrollment, attendance, and success in school of homeless children, including preschool-aged children, and youth. During the most recent program year, about one quarter of LEAs received subgrants.</p> <p>Every LEA, whether or not it receives a subgrant, must designate a local liaison to ensure that homeless students are identified and have a full and equal opportunity to succeed in school.</p> <p>The EHCY program requires that:</p> <ul style="list-style-type: none"> <li>• Homeless students who move have the right to remain in their schools of origin (i.e., the school the student attended when permanently housed or in which the student was last enrolled, which includes preschools) if that is in the student’s best interest;</li> </ul>

	<ul style="list-style-type: none"> <li>• If it is in the student’s best interest to change schools, homeless students must be immediately enrolled in a new school, even if they do not have the records normally required for enrollment;</li> <li>• Transportation must be provided to or from a student’s school of origin, at the request of a parent, guardian, or, in the case of an unaccompanied youth, the local liaison;</li> <li>• Homeless students must have access to all programs and services for which they are eligible, including special education services, preschool, school nutrition programs, language assistance for English learners, career and technical education, gifted and talented programs, magnet schools, charter schools, summer learning, online learning, and before- and after-school care;</li> <li>• Unaccompanied youths must be accorded specific protections, including immediate enrollment in school without proof of guardianship; and</li> <li>• Parents, guardians, and unaccompanied youths have the right to dispute an eligibility, school selection, or enrollment decision.</li> </ul>
<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>Homeless children and youth identified under the McKinney-Vento Homeless Assistance Act are a “special population” in Perkins V. For more information regarding special populations under Perkins V, see the summary of Perkins V “special population” provisions under the Perkins V program description above.</p> <p>Perkins V requires State eligible agencies to consult with the EHCY State Coordinator in developing the state’s Perkins V plan.</p> <p>Perkins V requires local recipients to consult with “representatives of regional or local agencies serving ... homeless children and youth” in carrying out their needs assessments.</p>
<p><b>Funding</b></p>	<p>In FY 2019, more than \$93.5 million was appropriated for grants to states.</p>
<p><b>Applicable U.S. Department of Education and related Federal resources</b></p>	<ul style="list-style-type: none"> <li>• <a href="#">Education for Homeless Children and Youths Program: Non-Regulatory Guidance</a></li> <li>• <a href="#">Education for Homeless Children and Youth Federal Program Profile</a></li> <li>• <a href="#">National Center for Homeless Education</a></li> </ul>

## Title I of the Rehabilitation Act of 1973, State Vocational Rehabilitation Services Program

<p><b>Overview</b></p>	<p>The State Vocational Rehabilitation (VR) Services program provides formula grants to states to provide eligible individuals with disabilities, particularly individuals with the most significant disabilities, the services they need in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.</p>
<p><b>Why This Law Matters</b></p>	<p>State VR agencies provide a wide range of services designed to help persons with disabilities prepare for and engage in competitive integrated employment, to the extent of their capabilities. Competitive integrated employment is employment that (1) is compensated at a rate that is at least minimum wage and not less than the customary rate paid to similar employees who are not individuals with disabilities, (2) is at a location where the employee interacts with persons who are not individuals with disabilities to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with such persons, and (3) presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. To the extent an individual with a most significant disability is not able to achieve an employment outcome in competitive integrated employment, the VR agency also may assist the individual to achieve an employment outcome in supported employment in an integrated setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis toward competitive integrated employment. Supported employment must be individualized and customized, consistent with the individual's unique strengths, abilities, interests, and informed choice, including with ongoing support services for individuals with the most significant disabilities.</p> <p>Individuals who are eligible for VR services include those with a physical or mental impairment that constitutes or results in a substantial impediment to employment, and who can benefit in terms of an employment outcome from the provision of VR services. Priority is given to serving individuals with the most significant disabilities.</p> <p>VR services are tailored to the specific needs of the individual through an individualized plan for employment . The VR program provides a variety of VR services, such as vocational evaluation, counseling, education, training, job placement, rehabilitation technology, supported employment services, and treatment of mental or physical conditions, that may reasonably be expected to reduce or eliminate one or more barriers to employment. VR services may be provided by the State VR agency itself, another state agency, or purchased by the VR agency from providers. State Clients and VR agencies must first determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual unless such a determination would interrupt or delay the provision of VR services</p> <p>Each state must reserve at least 15 percent of its Federal award to provide pre-employment transition services to students with disabilities. Required pre-</p>

	<p>employment transition services include job exploration counseling, work-based learning, counseling on postsecondary opportunities, workplace readiness training, and instruction in self-advocacy. State VR agencies must coordinate their efforts with state and local entities responsible for providing services under IDEA, such as by attending IEP meetings for students with disabilities.</p> <p>The State VR State Services program is a core program under the Rehabilitation Act of 1973, as amended by title IV of WIOA, and must be included in the WIOA Unified or Combined State Plan. Like programs offered by postsecondary recipients of Perkins V funds, the VR program is a required partner in the one-stop service delivery system. Additionally, like the WIOA Title I adult, dislocated worker, and youth programs administered by the U.S. Department of Labor and the Adult Education and Family Literacy Act, for performance accountability purposes, the VR program must disaggregate the outcomes of 14 subpopulations identified as “individuals with barriers to employment,” some of which are also identified as “special populations” in Perkins V (see the description under WIOA Title I for the full lists of subpopulations with barriers to employment).</p>
<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>CTE can be a critical part of the services included in a VR client’s individualized plan for employment if the client has a vocational goal in the CTE domain, as well as the pre-employment transition services provided by the state VR agency to students with disabilities. Perkins V funds may be used in several ways to serve individuals with disabilities and to promote the successful transition of VR clients to competitive integrated employment.</p> <p>Individuals with any disability as defined in section 3 of ADA are a special population in Perkins V section 3 (28) and (48). Their outcomes on the law’s performance indicators are disaggregated in public reports. Perkins V section 113(b)(3)(C)(ii)(I)(aa). State-determined and local levels of performance must require the state eligible agency and each subrecipient to “continually make meaningful progress toward improving the performance of all CTE concentrators, including members of special populations,” such as individuals with disabilities. Perkins V sections 113(b)(3)(A)(i)(II)(bb) and 113(b)(4(A)(II), respectively.</p> <p>State leadership funds may be used to recruit members of special populations to enroll in CTE programs. Perkins V section 112(a)(1)(C). State agencies that administer Perkins V may wish to consider collaborating with the state VR agency in these activities.</p> <p>State leadership funds also may be used to train CTE teachers, faculty, specialized instructional support personnel, and paraprofessionals “to provide appropriate accommodations for students who are members of special populations, including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support.” Perkins V section 124(b)(5)(B).</p> <p>At the local level, Perkins V authorizes subrecipients to use their subgrant funds to train teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or</p>

	<p>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 or the IDEA. Perkins V section 135(b)(2)(G). Another authorized use of subgrant funds is 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.” Perkins V section 135(b)(2)(H). Perkins V also encourages subrecipients to coordinate their activities with transition-related services provided to students under other Federal laws and initiatives as they plan and implement CTE programs and programs of study. Perkins V section 135(B)(5)(H). While Perkins V specifically mentions the IDEA in this subparagraph, coordination with the VR program also would be appropriate given its responsibilities for providing pre-employment transition services to students with disabilities.</p> <p>Both state eligible agencies and subrecipients may use Perkins V funds to pay for the costs of CTE services necessary to meet the requirements of section 504 of the Rehabilitation Act. Perkins V section 224(c).</p>
<b>Funding</b>	In FY 2019, more than \$3.3 billion was appropriated for the State VR Services program.
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">Rehabilitation Services Administration</a></li> <li>• <a href="#">The Rehabilitation Act of 1973 as amended by title IV of WIOA</a></li> <li>• <a href="#">National Technical Assistance Center on Transition (NTACT)</a></li> <li>• <a href="#">Vocational Rehabilitation Technical Assistance Center for Youth with Disabilities (VRTAC-Y)</a></li> </ul>

## Adult Education and Family Literacy Act, Title II of the Workforce Innovation and Opportunity Act

<p><b>Overview</b></p>	<p>The Adult Education and Family Literacy Act (AEFLA) provides formula grants to states to support adult education and literacy activities for individuals ages 16 and older who are not enrolled in school or required to be enrolled in school, and who are basic skills deficient, lack a secondary school diploma or its equivalent, or who are English language learners. More than 1.4 million individuals participated in AEFLA programs during the 2017-18 program year.</p>
<p><b>Why This Law Matters</b></p>	<p>AEFLA programs offer basic skills instruction, instruction to prepare individuals for a high school diploma or its equivalent, English language acquisition activities, family literacy activities, integrated English literacy and civics education, workforce preparation activities, and integrated education and training.</p> <p>This is important because millions of adults and out-of-school youth who could benefit from participation in CTE do not have the basic skills or English proficiency needed to enter or complete many CTE programs, particularly those that prepare individuals for jobs that pay family-supporting wages. In 2014, about one-quarter of unemployed adults ages 16 to 65 had not completed high school or its equivalent. The Program for the International Assessment of Adult Competencies survey and assessment administered by the National Center for Education Statistics in 2012 and 2014 found that 42 percent of unemployed adults in the U.S. had numeracy skills at or below the lowest proficiency level and could only carry out basic one-step math processes involving counting, sorting, performing arithmetic operations, and understanding simple percents.<sup>vi</sup> They could not, for example, understand and use Ohm’s Law to determine electrical current or understand the trigonometric tables and calculators used by machine tool technicians.<sup>vii</sup></p>
<p><b>How This Law Relates to CTE Access and Success</b></p>	<p>Authorized by Title II of WIOA, AEFLA is one of the six core WIOA programs that must be included in the Unified State Plan that includes a four-year strategy for the State’s workforce development system. States also have the option to submit a Combined State Plan which includes the six required WIOA core programs, plus one or more other partner programs, such as Perkins V. Like postsecondary programs funded by Perkins V, AEFLA programs also participate in the American Jobs Center one-stop delivery system. Additionally, like the WIOA Title I adult, dislocated worker, and youth programs administered by the U.S. Department of Labor and the Vocational Rehabilitation program, AEFLA requires the state to disaggregate the outcomes of 14 subpopulations identified as “individuals with barriers to employment,” some of which are also identified as “special populations” in Perkins V (see the description under WIOA Title I for the full list of subpopulations with barriers to employment).</p> <p>Section 122(e)(1)(C) of Perkins V requires the state agency that administers Perkins V to consult with the state agency that administers AEFLA in developing the Perkins V State Plan. There are several possible areas for collaboration and coordination at the state level. Like Perkins V, AEFLA permits states to reserve a portion of the state’s grant for state leadership activities. Among the authorized</p>

	<p>uses of AEFLA state leadership funds are “developing content and models for integrated education and training and career pathways.” AEFLA section 223(a)(2)(D). Integrated education and training is a model that “provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.” AEFLA section 203(11). In support of this model, the state’s Perkins V and AEFLA agencies could collaborate to develop IET models that also are “programs of study” under Perkins V. Similarly, AEFLA state leadership funds could be used for “integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers. AEFLA section 223 (a)(2)(G). The state Perkins V agency would supply support and expertise to develop the occupational training with which literacy and English language instruction is integrated. Another area for possible partnership is the development of “statewide industry or sector partnerships” that include LEAs, institutions of higher education, adult education providers, employers and others, which is a state leadership activity authorized by Perkins V section 124(b)(4).</p> <p>There are parallel opportunities for collaboration at the local level between AEFLA providers and Perkins V subrecipients. For example, An AEFLA provider uses its AEFLA subgrant to support the literacy instruction provided in an IET program while a Perkins V subrecipient uses its subgrant to support the occupational training and education components. AEFLA providers and Perkins V subrecipients would work together to integrate academic instruction within CTE content and CTE content within academic instruction.</p>
<b>Funding</b>	<p>In FY 2019, \$642 million was allocated by formula to states. States competitively award these funds to organizations with demonstrated effectiveness in providing adult education and literacy activities, such as LEAs, community- and faith-based organizations, community and technical colleges, and others.</p>
<b>Applicable U.S. Department of Education and related Federal resources</b>	<ul style="list-style-type: none"> <li>• <a href="#">Adult Education and Literacy—Laws and Guidance</a></li> <li>• <a href="#">Literacy Information and Communication System (LINCS)</a></li> <li>• <a href="#">The Career Pathways Planner: A Guide for Adult Education State Leaders to Promote Local Career Pathways Systems</a></li> <li>• <a href="#">Building Career Pathways Systems for Education, Training, and Employment</a></li> <li>• <a href="#">Employability Standards in Career and Technical Education and Adult Education</a></li> <li>• <a href="#">Employer Engagement Toolkit</a></li> </ul>

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<sup>i</sup> Section 3(12) of Perkins V defines “CTE concentrator” to mean: “(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.”

<sup>ii</sup> Section 3(3) of Perkins V defines “area career and technical education school” to mean: “(A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to 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, that are available to all students; (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.”

<sup>iii</sup> U.S. Department of Education FY 2020 Justifications of Appropriations Estimates to the Congress.

<sup>iv</sup> Ibid.

<sup>v</sup> *National Overview*, National Center for Homeless Education, retrieved from

<http://profiles.nche.seiservices.com/ConsolidatedStateProfile.aspx>

<sup>vi</sup> Rampey, B.D., Finnegan, R., Goodman, M., Mohadjer, L., Krenzke, T., Hogan, J., and Provasnik, S. (2016). *Skills of U.S. Unemployed, Young, and Older Adults in Sharper Focus: Results From the Program for the International Assessment of Adult Competencies (PIAAC) 2012/2014: First Look* (NCES 2016-039). U.S. Department of Education. Washington, DC: National Center for Education Statistics.

<sup>vii</sup> Charles A. Dana Center and Ivy Tech Community College of Indiana (2013). *What Students Need to Know: Mathematics Concept Inventories for Community College Workforce Education Programs*. Austin, TX: Charles A. Dana Center. Retrieved from: <https://dcmathpathways.org/sites/default/files/resources/2016-12/What%20Students%20Need%20to%20Know%20Mathematics%20Concept%20Inventories%20for%20Community%20College%20Workforce%20Education%20Programs.pdf>