

LEGAL REQUIREMENTS FOR USE OF PERKINS IV FUNDS

GENERAL AUTHORITY

The primary purpose of Perkins IV funds received by eligible recipients is to improve or expand career education. Perkins IV funds cannot be used to *maintain* career education programs.

ALLOCATIONS

The formula for determining the allocations of Perkins IV funds is established in the Federal Carl D. Perkins Career and Technical Education Act of 2006.

CONSORTIUM GUIDANCE FROM PERKINS IV

Section 131 (Secondary) provides the following guidance on consortia/consortium requirements

1. Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to:
 - A. form a consortium or enter into a cooperative agreement with an area career and technical education school or educational service agency offering programs that meet the requirements of section 135;
 - B. transfer such allocation to the area career and technical education school or educational service agency; and
 - C. operate programs that are of sufficient size, scope, and quality to be effective.
2. FUNDS TO CONSORTIUM—Funds allocated to a consortium formed to meet the requirements of this subsection shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

ALLOCATION OF FUNDS WITHIN A CONSORTIUM

The allocation of the Perkins Grant must be done on the consortium level. **The consortium CANNOT “grant back” the money to the individual schools.** The legislation is very clear that a grant back situation can cause the entire amount to be reclaimed by the U.S. Department of Education.

Example: If a school generates \$5,600 through the formula and cooperates with a consortium, they are not guaranteed \$5,600 to be spent on their career education programs. The consortium must review the career education needs of all the schools and allocate the money on the consortia level to the programs. For example, if the consortium decides to spend money on business education, then all business education programs in the consortium must have the opportunity to participate.

The consortium Career Education Advisory Committee must have input on the allocation of funds. Any equipment or instructional materials purchased remain the property of the consortium and must be clearly identified as such.

NOTE: If a school leaves a consortium, any equipment purchased by the consortium that has undepreciated value, for the school, is returned to the consortium.

REALLOCATION OF PERKINS FUNDS

Federal funds that are not applied for as of September 1 of the current fiscal year will be reallocated by formula for use during the following fiscal year to LEAs with applications approved for federal funding. The Perkins Act does not allow LEAs to carry funds forward to the next year.

USE OF PERKINS FUNDS FOR EQUIPMENT

A more complete listing allowable/non allowable items can be found at https://www.education.ne.gov/nce/documents/NonAllowable_uses_of_Perkinsfunds.pdf

Basic tools and equipment such as screwdrivers, pliers, hammers, non-commercial grade plastic food storage containers, residential kitchen equipment and prep tools, etc., are not approvable and are the responsibility of the local schools. Less than industry-standard or commercial grade equipment is not approvable, even though it may be inexpensive.

Any equipment purchased for Food and Culinary Arts classes must be National Sanitation Foundation® (NSF®) certified meeting NSF industry standards.

An old or worn out piece of equipment must be replaced with industry commercial grade equipment. Welding or power equipment must be replaced with an upgrade to the latest technology found in industry to be approvable for Perkins funds. If a kitchen stove or refrigerator needs to be replaced, it must be replaced with an upgraded unit commonly found in the commercial food service industry (NSF® standard) to be eligible for reimbursement.

Equipment must be inventoried as purchased with Perkins funds for the school, college or consortium and identified as such on the equipment. See sample below:

Sample Inventory Sticker for
Perkins CTE Grant Purchases

<p>Perkins Career & Technical Education Act Purchase</p> <p>Property of _____ (LEA/Consortium Name) _____ Fiscal Year of Purchase</p>
--

REQUIREMENTS FOR USE OF LOCAL FUNDS

Recent audit findings in other states have identified audit exceptions where the Local Education Agency failed to address all nine of the Required Uses of Funds as defined in the Federal Law. ***These nine uses are listed in detail on the following pages.***

NDE will also monitor all LEAs for the following:

- Review of annual applications to make certain plans include all nine required uses of funds.
- Monitor amendments to annual applications to ensure no change is made in addressing all nine required uses of funds.
- Review of the final report and claim to identify all nine required uses of funds are met.

NINE USES REQUIRED FOR USE OF LOCAL FUNDS

SECTION 135 (B) REQUIREMENTS FOR USES OF FUNDS—Funds made available to eligible recipients under this section shall be used to support career and technical education programs that:

- (1) strengthen the academic and career and technical skills of students participating in career and technical education programs, by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career and technical programs of study described in section 122(c) (1) (A), to ensure learning in:
 - (A) the core academic subjects (as defined in section 9101 of the Elementary and Secondary Education Act of 1965); and
 - (B) career and technical education subjects;
- (2) link career and technical education at the secondary level and career and technical education at the postsecondary level, including by offering the relevant elements of not less than one career and technical program of study described in section 122(c)(1)(A);
- (3) provide students with strong experience in and understanding of all aspects of an industry, which may include work-based learning experiences;
- (4) develop, improve, or expand the use of technology in career and technical education, which may include—
 - (A) training of career and technical education teachers, faculty, and administrators to use technology, which may include distance learning;
 - (B) providing career and technical education students with the academic and career and technical skills (including the mathematics and science knowledge that provides a strong basis for such skills) that lead to entry into the technology fields; or
 - (C) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs, including programs that improve the mathematics and science knowledge of students;
- (5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—
 - (A) in-service and pre-service training on—
 - (i) effective integration and use of challenging academic and career and technical education provided jointly with academic teachers to the extent practicable;
 - (ii) effective teaching skills based on research that includes promising practices;
 - (iii) effective practices to improve parental and community involvement; and
 - (iv) effective use of scientifically based research and data to improve instruction;
 - (B) support of education programs for teachers of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;
 - (C) internship programs that provide relevant business experience; and
 - (D) programs designed to train teachers specifically in the effective use and application of technology to improve instruction;
- (6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;
- (7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;
- (8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

NINE USES REQUIRED FOR USE OF LOCAL FUNDS

- (9) provide activities to prepare special populations, including single parents and displaced homemakers who are enrolled in career and technical education programs, for high skill, high wage, or high demand occupations that will lead to self-sufficiency.

SECTION 135 (C) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used:

- (1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of career and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;
- (2) to provide career guidance and academic counseling, which may include information described in section 118, for students participating in career and technical education programs, that—
 - (A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and
 - (B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;
- (3) for local education and business (including small business) partnerships, including for—
 - (A) work-related experiences for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;
 - (B) adjunct faculty arrangements for qualified industry professionals; and
 - (C) industry experience for teachers and faculty;
- (4) to provide programs for special populations;
- (5) to assist career and technical student organizations;
- (6) for mentoring and support services;
- (7) for leasing, purchasing, upgrading or adapting equipment, including instructional aides and publications (including support for library resources) designed to strengthen and support academic and technical skill achievement;
- (8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;
- (9) to develop and expand postsecondary program offerings at times and in formats that are accessible for students, including working students, including through the use of distance education;
- (10) to develop initiatives that facilitate the transition of sub baccalaureate career and technical education students into baccalaureate degree programs, including—
 - (A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;
 - (B) postsecondary dual and concurrent enrollment programs;
 - (C) academic and financial aid counseling for sub-baccalaureate career and technical education students that informs the students of the opportunities for pursuing a baccalaureate degree and advises the students on how to meet any transfer requirements; and
 - (D) other initiatives—
 - (i) to encourage the pursuit of a baccalaureate degree; and
 - (ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

NINE USES REQUIRED FOR USE OF LOCAL FUNDS

- (11) to provide activities to support entrepreneurship education and training;
- (12) for improving or developing new career and technical education courses, including the development of new proposed career and technical programs of study for consideration by the eligible agency and courses that prepare individuals academically and technically for high skill, high wage, or high demand occupations and dual or concurrent enrollment opportunities by which career and technical education students at the secondary level could obtain postsecondary credit to count towards an associate or baccalaureate degree;
- (13) to develop and support small, personalized career-themed learning communities;
- (14) to provide support for family and consumer sciences programs;
- (15) to provide career and technical education programs for adults and school dropouts to complete the secondary school education, or upgrade the technical skills, of the adults and school dropouts;
- (16) to provide assistance to individuals who have participated in services and activities under this Act in continuing their education or training or finding an appropriate job, such as through referral to the system established under section 121 of Public Law 105-220 (29 U.S.C. 2801 et seq.);
- (17) to support training and activities (such as mentoring and outreach) in non-traditional fields;
- (18) to provide support for training programs in automotive technologies;
- (19) to pool a portion of such funds with a portion of funds available to not less than 1 other eligible recipient for innovative initiatives, which may include—
 - (A) improving the initial preparation and professional development of career and technical education teachers, faculty, administrators, and counselors;
 - (B) establishing, enhancing, or supporting systems for—
 - (i) accountability data collection under this Act; or
 - (ii) reporting data under this Act;
 - (C) implementing career and technical programs of study described in section 122(c)(1)(A); or
 - (D) implementing technical assessments; and
- (20) to support other career and technical education activities that are consistent with the purpose of this Act.

SECTION 135 (D) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

SUPPLANTING WITH FEDERAL FUNDS

Federal grant funds must supplement, not supplant, local or state funds. The filter is always to demonstrate that the expenditure of funds improves or expands career education. In both cases, the expenditure of funds must be above normal operational expense. Here are some examples:

- It would be appropriate to refer a student to a remedial or developmental course as needed but not to pay for an instructor's salary in that course.
- It would be appropriate to print outreach and recruitment brochures for single parents, displaced homemakers or limited English proficient students, but not to expend funds on printing the general college catalog.
- It would be appropriate to expend Perkins funds on career education student assessment activities that go beyond the assessments available to all students. *In other words, if Perkins funds provided a service that the LEA is required to provide under local or state law, supplanting would occur.*
- Replacing an old or worn out piece of equipment with a similar piece of equipment would be supplanting local fiscal responsibility. Replacing equipment to current industry standards would be approvable.
- Supplanting occurs when federal dollars replace what is typically paid for by local/state dollars to support career education programs and activities.

In essence, Perkins funds cannot be used for a local education agency's general responsibilities.