

Perkins V Definitions

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(1) **ADMINISTRATION.**—The term “administration”, when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient’s duties under this Act, including the supervision of such activities. Such term does not include curriculum development activities, personnel development, or research activities.

(2) **ALL ASPECTS OF AN INDUSTRY.**—The term “all aspects of an industry” means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

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

- (A) a specialized public secondary school used exclusively or principally for the provision of career and technical education to 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;
- (C) a public or nonprofit technical institution or career and technical education school used exclusively or principally for the provision of career and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits, as regular students, individuals who have completed secondary school and individuals who have left secondary school; or
- (D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides career and technical education in not fewer than 3 different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits, as regular students, both individuals who have completed secondary school and individuals who have left secondary school.

(4) **ARTICULATION AGREEMENT.**—The term “articulation agreement” means a written commitment—

- (A) that is agreed upon at the State level or approved annually by the lead administrators of—
 - (i) a secondary institution and a postsecondary educational institution; or
 - (ii) a subbaccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and
- (B) to a program that is—
 - (i) designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree; and
 - (ii) linked through credit transfer agreements between the 2 institutions described in clause (i) or (ii) of subparagraph (A) (as the case may be).

(5) **AT-RISK YOUTH.**—(as defined in section 1432 of the [Elementary and Secondary Education Act of 1965](#) (20 U.S.C. 6472)) The term “at-risk”, when used with respect to a child, youth, or student, means a school aged individual who is at-risk of academic failure, dependency adjudication, or delinquency adjudication, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system or child welfare system in the past, is at least 1 year behind the expected grade level for the age of the individual, is an English learner, is a gang member, has dropped out of school in the past, or has a high absenteeism rate at school.

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(6) CAREER AND TECHNICAL EDUCATION.—The term “career and technical education” means organized educational activities that—

(A) offer a sequence of courses that—

- (i) provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions, which may include high-skill, high-wage, or in-demand industry sectors or occupations, which shall be, at the secondary level, aligned with the challenging [State academic standards](#) adopted by a State under section 1111(b)(1) of the [Elementary and Secondary Education Act of 1965](#);
- (ii) provides technical skill proficiency or a recognized postsecondary credential, which may include an industry-recognized credential, a certificate, or an associate degree; and (iii) may include prerequisite courses (other than a remedial course) that meet the requirements of this subparagraph;

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

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

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

(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

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

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

(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term “career guidance and academic counseling” means guidance and counseling that—

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

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

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

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(9) CAREER PATHWAYS.—(as defined in section 3 of the [Workforce Innovation and Opportunity Act](#) (29 U.S.C. 3102)) The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that—

- (A) aligns with the skill needs of industries in the economy of the State or regional economy involved;
- (B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);
- (C) includes counseling to support an individual in achieving the individual’s education and career goals;
- (D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- (E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
- (F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
- (G) helps an individual enter or advance within a specific occupation or occupational cluster.

(10) CHARTER SCHOOL.—(as defined in section 4310 of the [Elementary and Secondary Education Act of 1965](#))

The term “charter school” means a public school that—

- (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
- (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
- (C) operates in pursuit of a specific set of educational objectives determined by the school’s developer and agreed to by the authorized public chartering agency;
- (D) provides a program of elementary or secondary education, or both;
- (E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- (F) does not charge tuition;
- (G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the “Family Educational Rights and Privacy Act of 1974”), and part B of the Individuals with Disabilities Education Act;
- (H) is a school to which parents choose to send their children, and that—
 - (i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or
 - (ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i); *(Continued on next page)*

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(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law;

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and

(M) may serve students in early childhood education programs or postsecondary students.

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

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

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

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

(13) **CTE CONCENTRATOR.**—The term “CTE concentrator” means—

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

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

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

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

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

(15) **DIRECTOR.**—The term “Director” means the Director of the Institute of Education Sciences.

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(16) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “dual or concurrent enrollment program” means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

- (A) is transferable to the institutions of higher education in the partnership; and
- (B) applies toward completion of a degree or recognized educational credential as described in the [Higher Education Act of 1965](#) (20 U.S.C. 1001 et seq.)

(17) EARLY COLLEGE HIGH SCHOOL.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “early college high school” means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant’s family.

(18) EDUCATIONAL SERVICE AGENCY.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “educational service agency” means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

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

(20) ELIGIBLE ENTITY.—The term “eligible entity” means a consortium that includes the following:

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

- (i) A local educational agency or a consortium of such agencies.
- (ii) An educational service agency serving secondary school students.
- (iii) An area career and technical education school or a consortium of such schools.
- (iv) An Indian Tribe, Tribal organization, or Tribal educational agency.
- (v) An institution of higher education whose most common degree awarded is an associate degree, or a consortium of such institutions.
- (vi) An institution of higher education whose most common degree awarded is a bachelor’s or higher degree, or a consortium of such institutions.
- (vii) A State educational agency.

(B) One or more business or industry representative partners, which may include representatives of local or regional businesses or industries, including industry or sector partnerships in the local area, local workforce development boards, or labor organizations.

(C) One or more stakeholders, which may include—

- (i) parents and students;
- (ii) representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the [Elementary and Secondary Education Act of 1965](#) (20 U.S.C. 6472)); (Continued on next page)

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- (iii) representatives of Indian tribes and Tribal organizations, where applicable;
- (iv) representatives of minority-serving institutions (as described in paragraphs (1) through (7) of section 371(a) of the [Higher Education Act of 1965](#) (20 U.S.C. 1067q(a))), where applicable;
- (v) representatives of special populations;
- (vi) representatives of adult career and technical education providers; or
- (vii) other relevant community stakeholders.

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

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

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

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

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

- (A) a secondary school student who is an English learner (*as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)*) —
 - (i) who is aged 3 through 21;
 - (ii) who is enrolled or preparing to enroll in an elementary school or secondary school;
 - (iii)(I) who was not born in the United States or whose native language is a language other than English;
 - (II)(a) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - (b) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or (*Continued on next page*)

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(III) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
(iv) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(I) the ability to meet the challenging [State academic standards](#);

(II) the ability to successfully achieve in classrooms where the language of instruction is English; or

(III) the opportunity to participate fully in society; or

(B) an adult or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

(i) whose native language is a language other than English; or

(ii) who lives in a family environment or community in which a language other than English is the dominant language.

(24) EVIDENCE-BASED.—(as defined in section 8101(21)(A) of the [Elementary and Secondary Education Act of 1965](#)) The term “evidence-based” means an activity, strategy, or intervention that—

(A) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(i) strong evidence from at least 1 well-designed and well-implemented experimental study;

(ii) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(iii) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(B)(i) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(ii) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

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

(26) HIGH SCHOOL.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “high school” means a secondary school that—

(A) grants a diploma, as defined by the State; and

(B) includes, at least, grade 12.

(27) HOMELESS CHILDREN AND YOUTH.—(as described in section 725 of the [McKinney-Vento Homeless Assistance Act \(42 U.S.C.11434a\)](#)) The term “homeless children and youths” —

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes —

(i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

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- (ii) children and youths 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 (within the meaning of section 103(a)(2)(C));
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children (as such term is defined in section 1309 of the [Elementary and Secondary Education Act of 1965](#)) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

(28) IN-DEMAND INDUSTRY SECTOR OR OCCUPATION.—(as defined in section 3 of the [Workforce Innovation and Opportunity Act \(29 U.S.C. 3102\)](#))

(A) IN GENERAL.—The term “in-demand industry sector or occupation” means—

- (i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or
- (ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate.

(B) DETERMINATION.—The determination of whether an industry sector or occupation is in-demand under this paragraph shall be made by the State board or local board, as appropriate, using State and regional business and labor market projections, including the use of labor market information.

(29) INDIAN.—(as defined in section 4 of the [Indian Self-Determination and Education Assistance Act \(25 U.S.C. 5304\)](#)) The term “Indian” means a person who is a member of an Indian Tribe.

(30) INDIAN TRIBE.—(as defined in section 4 of the [Indian Self-Determination and Education Assistance Act \(25 U.S.C. 5304\)](#)) The term “Indian Tribe” means any Indian tribe, band, nation, or other organized group, or community, including pueblos, rancherias, colonies and any Alaska Native Village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(31) INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—(as defined in section 3 of the [Americans with Disabilities Act of 1990 \(42 U.S.C. 12102\)](#)) The term “individual with a disability” means an individual with—

- (i) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (ii) a record of such an impairment; or
- (iii) being regarded as having such an impairment (as described in paragraph (C)).

(B) Major Life Activities

- (i) IN GENERAL—For purposes of paragraph (i), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. (Continued on next page)

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(ii) Major bodily functions—For purposes of paragraph (i), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(C) Regarded as having such an impairment—For purposes of paragraph (A)(iii):

(i) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(ii) Paragraph (A)(iii) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

(D) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(32) INDUSTRY OR SECTOR PARTNERSHIP.—(as defined in section 3 of the [Workforce Innovation and Opportunity Act \(29 U.S.C. 3102\)](#)) The term "industry or sector partnership" means a workforce collaborative, convened by or acting in partnership with a State board or local board, that—

(A) organizes key stakeholders in an industry cluster into a working group that focuses on the shared goals and human resources needs of the industry cluster and that includes, at the appropriate stage of development of the partnership—

(i) representatives of multiple businesses or other employers in the industry cluster, including small and medium-sized employers when practicable;

(ii) 1 or more representatives of a recognized State labor organization or central labor council, or another labor representative, as appropriate; and

(iii) 1 or more representatives of an institution of higher education with, or another provider of, education or training programs that support the industry cluster; and

(B) may include representatives of—

(i) State or local government;

(ii) State or local economic development agencies;

(iii) State boards or local boards, as appropriate;

(iv) a State workforce agency or other entity providing employment services;

(v) other State or local agencies;

(vi) business or trade associations;

(vii) economic development organizations;

(viii) nonprofit organizations, community-based organizations, or intermediaries;

(ix) philanthropic organizations;

(x) industry associations; and

(xi) other organizations, as determined to be necessary by the members comprising the industry or sector partnership.

(33) INSTITUTION OF HIGHER EDUCATION.—(as defined in section 101 of the [Higher Education Act of 1965](#)) The term "institution of higher education" means an educational institution in any State that—

(A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d); (Continued on next page)

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(B) is legally authorized within such State to provide a program of education beyond secondary education;

(C) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(F) ADDITIONAL INSTITUTIONS INCLUDED.—For purposes of this Act, other than title IV, the term “institution of higher education” also includes—

(i) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (A), (B), (D), and (E) above; and

(ii) a public or nonprofit private educational institution in any State that, in lieu of the requirement in (A) above, admits as regular students individuals—

(I) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(II) who will be dually or concurrently enrolled in the institution and a secondary school.

(34) LOCAL EDUCATIONAL AGENCY.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#))—

(A) IN GENERAL.—The term “local educational agency” means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) 15 BUREAU OF INDIAN EDUCATION SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools

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(35) LOCAL WORKFORCE DEVELOPMENT BOARD.—(means a “local workforce development board” established under section 107 of the [Workforce Innovation and Opportunity Act](#) (29 U.S.C. 3122); only a portion included below)—

(a) ESTABLISHMENT.—Except as provided in subsection (c)(2)(A) there shall be established, and certified by the Governor of the State, a local workforce development board in each local area of a State to carry out the functions described in subsection (d) (and any functions specified for the local board under this Act or the provisions establishing a core program) for such area.

(b) MEMBERSHIP.—

(1) STATE CRITERIA.—The Governor, in partnership with the State board, shall establish criteria for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of paragraph (2).

(2) COMPOSITION.—Such criteria shall require that, at a minimum—

(A) a majority of the members of each local board shall be representatives of business in the local area, who—

(i) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority;

(ii) represent businesses, including small businesses, or organizations representing businesses described in this clause, that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the local area; and

(iii) are appointed from among individuals nominated by local business organizations and business trade associations;

(B) not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who—

(i) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representatives of employees;

(ii) shall include a representative, who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists;

(iii) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive integrated employment for individuals with disabilities; and

(iv) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth; *(Continued on next page)*

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(C) each local board shall include representatives of entities administering education and training activities in the local area, who—

- (i) shall include a representative of eligible providers administering adult education and literacy activities under title II;
- (ii) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges);
- (iii) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;

(D) each local board shall include representatives of governmental and economic and community development entities serving the local area, who—

- (i) shall include a representative of economic and community development entities;
- (ii) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act (29 U.S.C. 49 et seq.) serving the local area;
- (iii) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741), serving the local area;
- (iv) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and
- (v) may include representatives of philanthropic organizations serving the local area; and

(E) each local board may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate....

(d) FUNCTIONS OF LOCAL BOARD.—Consistent with section 108, the functions of the local board shall include the following:

- (1) LOCAL PLAN....
- (2) WORKFORCE RESEARCH AND REGIONAL LABOR MARKET ANALYSIS....
- (3) CONVENING, BROKERING, LEVERAGING....
- (4) EMPLOYER ENGAGEMENT....
- (5) CAREER PATHWAYS DEVELOPMENT....
- (6) PROVEN AND PROMISING PRACTICES....
- (7) TECHNOLOGY....
- (8) PROGRAM OVERSIGHT....
- (9) NEGOTIATION OF LOCAL PERFORMANCE ACCOUNTABILITY MEASURES....
- (10) SELECTION OF OPERATORS AND PROVIDERS....

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(11) COORDINATION WITH EDUCATION PROVIDERS. —

(A) IN GENERAL.—The local board shall coordinate activities with education and training providers in the local area, including providers of workforce investment activities, providers of adult education and literacy activities under title II, providers of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302)) and local agencies administering plans under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 or part C of that title (29 U.S.C. 732, 741)....

(12) BUDGET AND ADMINISTRATION....

(13) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES....

(36) MIDDLE GRADES.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#))

The term middle grades means any of grades 5 through 8.

(37) MINORITY-SERVING INSTITUTIONS.—(as described in paragraphs (1) through (7) of section 371(a) of the [Higher Education Act of 1965](#) (20 U.S.C. 1067q(a)) The term “minority institution” means an institution of higher education whose enrollment of a single minority or a combination of minorities (as defined in paragraph (2) – American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), or Pacific Islander) exceeds 50 percent of the total enrollment. The Secretary shall verify this information from the data on enrollments in the higher education general information surveys (HEGIS) furnished by the institution to the Office for Civil Rights, Department of Education.

(38) MIGRATORY CHILDREN.—(as defined in section 1309 of the [Elementary and Secondary Education Act of 1965](#)) The term “migratory child” means a child or youth who made a qualifying move in the preceding 36 months—

(A) as a migratory agricultural worker or a migratory fisher; or

(B) with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

MIGRATORY AGRICULTURAL WORKER.—The term “migratory agricultural worker” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in agriculture, which may be dairy work or the initial processing of raw agricultural products. If an individual did not engage in such new employment soon after a qualifying move, such individual may be considered a migratory agricultural worker if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal agricultural employment.

MIGRATORY FISHER.—The term “migratory fisher” means an individual who made a qualifying move in the preceding 36 months and, after doing so, engaged in new temporary or seasonal employment or personal subsistence in fishing. If the individual did not engage in such new employment soon after the move, the individual may be considered a migratory fisher if the individual actively sought such new employment and has a recent history of moves for temporary or seasonal fishing employment.

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QUALIFYING MOVE.—The term “qualifying move” means a move due to economic necessity—

- (A) from one residence to another residence; and
- (B) from one school district to another school district, except—
 - (i) in the case of a State that is comprised of a single school district, wherein a qualifying move is from one administrative area to another within such district; or
 - (ii) in the case of a school district of more than 15,000 square miles, wherein a qualifying move is a distance of 20 miles or more to a temporary residence.

(39) NON-TRADITIONAL FIELDS.—The term “non-traditional fields” means occupations or fields of work, such as careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

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

(41) OUT-OF-SCHOOL YOUTH.—(as defined in section 3 of the [Workforce Innovation and Opportunity Act](#) (29 U.S.C. 3102)) The term “out-of-school youth” means an individual who is—

- (A) not attending any school (as defined under State law);
- (B) not younger than age 16 or older than age 24; and
- (C) one or more of the following:
 - (i) A school dropout.
 - (ii) A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
 - (iii) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is—
 - (I) basic skills deficient; or
 - (II) an English language learner.
- (D) An individual who is subject to the juvenile or adult justice system.
- (E) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
- (F) An individual who is pregnant or parenting.
- (G) A youth who is an individual with a disability.
- (H) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

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(42) **OUT-OF-WORKFORCE INDIVIDUAL.**—The term “out-of-workforce individual” means—

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

(B) an individual who—

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

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

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

DISPLACED HOMEMAKER.—The term “displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who—

(A)(i) has been dependent on the income of another family member but is no longer supported by that income; or

(ii) is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such section), a call or order to active duty pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; and

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

(43) **PARAPROFESSIONAL.**—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “paraprofessional,” also known as a “paraeducator,” includes an education assistant and instructional assistant.

(44) **PAY FOR SUCCESS INITIATIVE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the term ‘pay for success initiative’ means a performance-based grant, contract, or cooperative agreement awarded by a State or local public entity (such as a local educational agency) to a public or private nonprofit entity—

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

(ii) that includes—

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

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

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

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

- (B) EXCLUSION.—The term “pay for success initiative” does not include any initiative that—
- (i) reduces the special education or related services that a student would otherwise receive under the Individuals with Disabilities Education Act; or
 - (ii) otherwise reduces the rights of a student or the obligations of an entity under the Individuals with Disabilities Education Act, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or any other law.

(45) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term “postsecondary educational institution” means—

- (A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor’s degree;
- (B) a tribally controlled college or university; or
- (C) a nonprofit educational institution offering certificate or other skilled training programs at the postsecondary level.

(46) PROFESSIONAL DEVELOPMENT.—The term “professional development” means activities that—

- (A) are an integral part of eligible agency, eligible recipient, institution, or school strategies for providing educators (including teachers, principals, other school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals) with the knowledge and skills necessary to enable students to succeed in career and technical education, to meet challenging [State academic standards](#) under section 1111(b)(1) of the Elementary and Secondary Education Act, or to achieve academic skills at the postsecondary level; and
- (B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, to the extent practicable evidence-based, and may include activities that—

- (i) improve and increase educators’ —
 - (I) knowledge of the academic and technical subjects;
 - (II) understanding of how students learn; and
 - (III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
- (ii) are an integral part of eligible recipients’ improvement plans;
- (iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;
- (iv) support the recruitment, hiring, and training of effective educators, including educators who became certified through State and local alternative routes to certification;

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- (v) advance educator understanding of—
 - (I) effective instructional strategies that are evidence-based; and
 - (II) strategies for improving student academic and technical achievement or substantially increasing the knowledge and teaching skills of educators;
- (vi) are developed with extensive participation of educators, parents, students, and representatives of Indian Tribes (as applicable), of schools and institutions served under this Act;
- (vii) are designed to give educators of students who are English learners in career and technical education programs or programs of study the knowledge and skills to provide instruction and appropriate language and academic support services to those students, including the appropriate use of curricula and assessments;
- (viii) as a whole, are regularly evaluated for their impact on increased educator effectiveness and improved student academic and technical achievement, with the findings of the evaluations used to improve the quality of professional development;
- (ix) are designed to give educators of individuals with disabilities in career and technical education programs or programs of study the knowledge and skills to provide instruction and academic support services to those individuals, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- (x) include instruction in the use of data and assessments to inform and instruct classroom practice;
- (xi) include instruction in ways that educators may work more effectively with parents and families;
- (xii) provide follow-up training to educators who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the educators are implemented in the classroom;
- (xiii) promote the integration of academic knowledge and skills and relevant technical knowledge and skills, including programming jointly delivered to academic and career and technical education teachers; or
- (xiv) increase the ability of educators providing career and technical education instruction to stay current with industry standards.

(47) **PROGRAM OF STUDY.**—The term “program of study” means a coordinated, nonduplicative sequence of academic and technical content at the secondary and postsecondary level that—

- (A) incorporates challenging [State academic standards](#), including those adopted by a State under section 1111(b)(1) of the [Elementary and Secondary Education Act of 1965](#);
- (B) addresses both academic and technical knowledge and skills, including employability skills;
- (C) is aligned with the needs of industries in the economy of the State, region, Tribal community, or local area;
- (D) progresses in specificity (beginning with all aspects of an industry or career cluster and leading to more occupation-specific instruction);
- (E) has multiple entry and exit points that incorporate credentialing; and
- (F) culminates in the attainment of a recognized postsecondary credential.

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

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

(49) **RECOGNIZED POSTSECONDARY CREDENTIAL.**—(as defined in section 3 of the [Workforce Innovation and Opportunity Act \(29 U.S.C. 3102\)](#)) The term “recognized postsecondary credential” means a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(50) **SECONDARY SCHOOL.**—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “secondary school” means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

(51) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(52) **SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.**—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “specialized instructional support personnel” means—

- (A) school counselors, school social workers, and school psychologists; and
- (B) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

(53) **SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.**—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#)) The term “specialized instructional support services” means the services provided by specialized instructional support personnel.

(54) SPECIAL POPULATIONS.—The term “special populations” means—

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

(55) STATE.—The term “State”, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

(56) SUPPORT SERVICES.—The term “support services” means services related to curriculum modification, equipment modification, classroom modification, supportive personnel (including paraprofessionals and specialized instructional support personnel), and instructional aids and devices.

(57) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—*(as defined in section 2(a) of the [Tribally Controlled Colleges and Universities Assistance Act of 1978](#) (25 U.S.C. 1801(a)))* The term “tribally controlled college or university” has means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe.

(58) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTION.—The term “tribally controlled postsecondary career and technical institution” means an institution of higher education (as defined in section 101 of the [Higher Education Act of 1965](#), except that subsection (a)(2) of such section shall not be applicable and the reference to Secretary in subsection (a)(5) of such section shall be deemed to refer to the Secretary of the Interior) that—

- (A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian Tribe or Indian Tribes;
- (B) offers a technical degree or certificate granting program;
- (C) is governed by a board of directors or trustees, a majority of whom are Indians;
- (D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated Tribal goals of developing individual entrepreneurships and self-sustaining economic infrastructures on reservations or tribal lands;
- (E) has been in operation for at least 3 years;
- (F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary career and technical education; and
- (G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

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(59) TRIBAL ORGANIZATION.—(as defined in section 4 of the [Indian Self-Determination and Education Assistance Act \(25 U.S.C. 5304\)](#)) The term “Tribal organization” means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: provided, that, in any case where a contract is let or a grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.

(60) UNIVERSAL DESIGN FOR LEARNING.—(as defined in section 8101 of the [Elementary and Secondary Education Act of 1965](#) and section 103 of the [Higher Education Act of 1965](#)) —The term “universal design for learning” means a scientifically valid framework for guiding educational practice that—

(A) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and

(B) reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

(61) WORK-BASED LEARNING.—The term “work-based learning” means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.

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