



Texas Higher Education  
Coordinating Board

**REQUEST FOR APPLICATIONS**  
**TEXAS HIGHER EDUCATION COORDINATING**  
**BOARD**

**PERKINS BASIC GRANT PROGRAM**  
**2021 – 2022**

781-2-24602

**INQUIRY DEADLINE: 5:00 PM, C.D.T., July 9, 2021**

**APPLICATION DEADLINE: 5:00 PM, C.D.T., July 16, 2021**

**APPLICATION COVER PAGE & FEDERAL CERTIFICATIONS DEADLINE: July 23, 2021**

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**Texas Higher Education Coordinating Board**  
**2020-2021**

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## **1 OVERVIEW OF FUNDING OPPORTUNITY**

### **1.1 PROGRAM TITLE: Career and Technical Education—Basic Grants to States**

#### **1.2 Program Authority**

P.L. 109-270, Title I, Part A, Sec. 112; Part B Sec. 121 and 124; Part C, Sec. 132; 34 CFR 403.70 Authorizing legislation & 71; Subpart E; and TEC 7.109(c)

#### **1.3 SYNOPSIS OF PROGRAM**

On July 31, 2018, the President signed the Texas State Plan for the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V or Act) into law, reauthorizing and updating the Carl D. Perkins Career and Technical Education Act of 2006. Perkins V continues the long-time federal commitment to Career and Technical Education (CTE) by providing funding for CTE programs and focusing on improving the academic and technical achievement of CTE students, strengthening the connections between secondary and postsecondary education, and improving accountability.

The new law went into effect on July 1, 2019. Fiscal Year (FY) 2020 was the Perkins V transition year, followed by implementation year in FY 2021. The Texas State Plan for Perkins V sets forth the state's vision for CTE. It describes how the state will implement CTE programs and programs of study, meet the needs of special populations as defined under Perkins V, exercise fiscal responsibility for Perkins funds, and enforce accountability for program results.

Perkins V Basic Grants help to advance the four broad goals of the Texas Higher Education Coordinating Board's 60x30TX Higher Education Plan:

1. by 2030, at least 60% of Texans ages 25-34 will have a certificate or degree;
2. by 2030, at least 550,000 students will complete a certificate, associate, bachelor's, or master's from an institution of higher education in Texas per year;
3. by 2030, all graduates from Texas public institutions of higher education will have completed programs with identified marketable skills;
4. and by 2030, undergraduate student loan debt will not exceed 60% of first-year wages for graduates of Texas public institutions.

The Texas Higher Education Coordinating Board ("THECB") requests Applications from Eligible Applicants (as the term is defined herein) for consideration for receiving federal funding under Career and Technical Education - Basic Grants to States ("Perkins Basic Grant Program") for state fiscal year 2022 (September 1, 2021 through August 31, 2022).

To receive federal funding under the Perkins Basic Grant Program, the Eligible Applicant must:

- meet the requirements of this Request for Applications (RFA);
- address the goals and objectives of the Perkins V Texas State Plan 2021-2024 under the requirements of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, as amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act, which can be found at: <https://www.congress.gov/115/plaws/publ224/PLAW-115publ224.pdf> ;
- address findings of the Applicant's Comprehensive Local Needs Assessment (CLNA) for student performance; CTE programs; implementation of programs of study; CTE faculty and personnel; and equitable access to high-quality CTE programs; and
- address Goal 2, Completion, of the [60x30TX](#) Higher Education Plan in the Local Application.

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**1.4 CFDA CODE: Catalog of Federal Domestic Assistance Code, 84.048A, Basic Grants**

**1.5 FUNDING SOURCE**

Federal funds in Texas are provided through the Strengthening Career and Technical Education for the 21st Century Act (Perkins V). Funds for Title I of the Perkins Act are allocated to the state and divided between secondary and postsecondary education through a formula developed by the Texas Education Agency (TEA), which splits the funds 70% – 30% between TEA and the THECB. TEA awards funds annually to the THECB through a sub-grant. TEA additionally provides grant guidance (Appendix L).

**1.6 FEDERAL GRANT FUNDING AGENCY**

Department of Education

**1.7 FEDERAL GRANT FUNDING AGENCY AWARD DATE**

JULY 1, 2021

**1.8 AWARD FOR RESEARCH AND DEVELOPMENT?**

NO

**1.9 POINT OF CONTACT**

**Mindy Nobles, Assistant Director - CTE**

Workforce Education Division

Texas Higher Education Coordinating Board

Phone: (512) 427-6221

Email: [Melinda.Nobles@highered.texas.gov](mailto:Melinda.Nobles@highered.texas.gov)

**2 AWARD SUMMARY**

**2.1 FUNDING METHODOLOGY AND ALLOCATION**

Annual Perkins Basic Grant awards (individually referred to as a "Grant" or "Grant Award") are based on a formula allocation of available federal funds to Eligible Applicants (Appendix A) that reflects each Eligible Applicant's number of full-time student equivalents (FTSEs) who participate in CTE programs and receive Pell Grants. To qualify for a Grant Award, the Eligible Applicant must have a sufficient number of FTSEs to collectively generate a minimum of \$50,000 in the formula.

Any unspent funds from the previous grant period may be reallocated by THECB to Awarded Applicants, including unspent Perkins Basic and Leadership funds and administrative funds.

If unspent funds are reallocated, the FTSE formula allocation will be applied proportionally to eligible recipients to determine reallocation awards.

**2.2 GRANT PERIOD**

The Grant Period is from the date of grant execution (approximately September 1, 2021) through October 15, 2022. All Grant funds must be expended during the Federal Funding Period (September 1, 2021 through August 31, 2022).

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## **2.3 CALENDAR OF EVENTS**

The application process for this RFA is anticipated to proceed according to the calendar below. The THECB reserves the right to revise this calendar or any portion of this RFA by published addendum.

<b>Date</b>	<b>Events</b>
June 8, 2021	RFA Posting Date
June 15, 2021	Revised Allocation Emails to Perkins Contacts, if applicable
July 9, 2021	Inquiry Deadline
July 16, 2021	Application Deadline
July 23, 2021	Application Cover Page and State/Federal Certifications Deadline
September 1, 2021	Grant Period Begins

## **3 ELIGIBLE APPLICANT**

An "Eligible Applicant" is a Texas public postsecondary institution that offers CTE courses leading to technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree ("Eligible Applicant," "Applicant," or "Awarded Applicant" below).

## **4 APPLICATION PROCESS**

1. Following the posting of the RFA, THECB staff will email the Perkins Institutional Contact for each Eligible Applicant with a unique application number and secure password. That information will allow the Applicant access to the Application forms via the online Perkins Portal at <http://www.highered.texas.gov/apps/Perkins/Portal/>;
2. The Applicant shall complete and submit the Application in the Perkins Portal by 5:00 pm, C.D.T., on July 16, 2021; and
3. The Applicant shall email scanned copies of the Application Cover Page (Appendix B), Certification Regarding Lobbying (Appendix C), Certification of Compliance with Sec. 504 and ADA Title II, and FFATA Certification (Appendix D) to the THECB at [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) by 5:00 pm, C.D.T. on July 23, 2021. Documents shall be signed by the Applicant representative who is authorized to bind the Applicant. **Cover pages and other required forms may be signed in hard copy or electronically.**

## **5 INQUIRIES**

The Applicant shall direct all inquiries via email to the Point of Contact identified in Section 1.5 of this RFA by 5:00 pm, C.D.T., on July 9, 2021. The Applicant shall not discuss an Application with any other THECB employee unless authorized by the Point of Contact.

All responses from the Point of Contact will be in writing and will be binding. Any information deemed by the Point of Contact to be of general interest, or that modifies requirements of the RFA, will be sent in the form of an addendum to the RFA to all Eligible Applicants.

The Applicant shall acknowledge receipt of all addenda by emailing a signed copy of each addendum with the submitted Application Cover Page.

## **6 PROGRAM PURPOSE**

The Perkins Basic Grant Program supports Awarded Applicants in educating students who enroll in CTE courses and programs in preparation for high-skill, high-wage, or high-demand occupations. The success of an Awarded Applicant in educating these students will be measured by its ability to meet state-determined performance targets for each of three core indicators approved by the U.S.



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Department of Education/Office of Career, Technical, and Adult Education (OCTAE) for the Perkins Basic Grant Program (Appendix I) and by its progress in reducing performance gaps for its special populations students.

## **7 APPLICATION CONTENT**

The Application for the Perkins Basic Grant Program comprises six parts:

1. Application Cover Page (Appendix B);
2. Comprehensive Local Needs Assessment (Appendix F; optional for FY 2022);
3. Local Application (Appendix G);
4. Performance Improvement/Evaluation Plans for each of the three federally designated core indicators (Appendix F);
5. Budget (Schedules A-G);
6. Certification Regarding Lobbying (Appendix C);
7. FFATA form (Appendix D); and
8. Certification of Compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and their implementing regulations (Appendix E)

### **~~7.1 APPLICATION COVER PAGE (APPENDIX B)~~**

~~The Applicant shall complete all information on the Cover Page in the Perkins Portal and email scanned copies by July 23, 2021. The signatures of the President, Chief Financial Officer, and Perkins Institutional Contact shall bind the Applicant and signify the Applicant's agreement to comply with all provisions of this RFA.~~

### **7.2 COMPREHENSIVE LOCAL NEEDS ASSESSMENT (APPENDIX F)**

In FY 2020, each eligible institution conducted and submitted a Comprehensive Local Needs Assessment (CLNA) prior to submitting the Local Application as required by Sec. 134(c) of the Act (Appendix F) for FY 2021, the Perkins V Implementation Year.

Submission of a revised CLNA for the FY 2022 Application is optional. An institution submitting a revised CLNA for FY 2022 shall email it to [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) on or before July 1, 2021.

An Application submitted under this RFA shall address an institution's original or revised CLNA findings in a manner appropriate for the institution's local needs. The Applicant must, at a minimum, include the following in the FY 2022 Application:

- The Local Application (Appendix G), Item 1, shall summarize the **gaps** identified for the six sections of the CLNA and the **goals** developed to address identified gaps.
- The Program Improvement and Evaluation Plan (PIEP) for each of the three Perkins V core indicators (Appendix F) shall incorporate goals identified in the Local Application, Item 1, in a manner appropriate for the institution's local needs and consistent with each core indicator's focus. An Applicant may prioritize goals for the FY 2022 Application but shall at a minimum address in the PIEP those goals identified for Student Performance and Improving Access and Equity.
- The Application Budget shall identify the CLNA goal in budget line items that address prioritized goals for FY 2022 and shall at a minimum budget Perkins funds to support goals identified in the CLNA for Student Performance and Improving Access and Equity.

During FY 2022, institutions shall conduct a Comprehensive Local Needs Assessment for submission to THECB prior to submission of the FY 2023 Application, as required by Sec. 134(c)(1)(B.) of the Act.

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### **7.3 LOCAL APPLICATION (APPENDIX G)**

The Applicant shall submit a Local Application, comprising 10 sections that address the nine statutory requirements of the Perkins Act and Goal Two of the [60x30TX](#) Higher Education Plan (regarding completion). **The Local Application shall summarize the gaps identified for the six sections of the CLNA and the goals developed to address identified gaps.**

#### **7.3.1 Special Populations**

In referencing “special populations” in the Local Application and other sections of the Application, the Applicant shall use the term to mean:

1. individuals with disabilities;
2. individuals from economically disadvantaged families, including low-income youth and adults;
3. individuals preparing for non-traditional fields;
4. single parents, including single pregnant women;
5. out-of-workforce individuals;
6. English learners;
7. Homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C 11434a);
8. Youth who are in, or have aged out of, the foster care system; and
9. Youth with a parent who
  - a. Is a member of the armed forces (as such term is defined in section 101(a)(4) of title 10, United States Code); and
  - b. Is on active duty (as such term is defined in section 101(d)(1) of such title).

(“Youth” as it is used in items 2, 8, and 9 above refers to individuals of age 17-24.)

Consistently with the findings of its CLNA, the Awarded Applicant shall ensure that Grant activities and programs serve these special populations enrolled in CTE programs. The Awarded Applicant shall:

- Implement strategies to overcome identified barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations;
- provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency;
- provide equal access for special populations to career and technical education courses, programs, and programs of study; and
- ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;

The Awarded Applicant shall assist in fulfilling the transitional service requirements of Sections 1412, 1414, and 1415 of the [Individuals with Disabilities Education Act](#) where such services support transition from secondary education to postsecondary education.

### **7.4 PERFORMANCE IMPROVEMENT/EVALUATION PLANS (APPENDIX F)**

The Applicant shall develop a Performance Improvement/Evaluation Plan (PIEP) for **each of the three Perkins V core indicators (Appendix I)**. The PIEP must demonstrate how Perkins-funded programs, activities, and key budget items identified for each core indicator will improve the Applicant’s performance toward meeting the state-determined target for the indicator and toward closing gaps in special populations student performance. Awarded Applicants shall use Grant funds

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toward improvement in each of the three core indicators and closing special population student performance gaps *as a primary purpose in the use of these funds*. **Core indicator PIEPs shall incorporate prioritized CLNA goals for FY 2022 as required by Sec. 7.2 of this RFA.**

#### **7.4.1 Performance Improvement Plan**

The Applicant shall develop a Performance Improvement Plan that identifies the Perkins-funded CTE programs, activities, and specific budget items that will play a significant role in improving its performance on each core indicator and address prioritized FY 2022 CLNA goals. The Plan shall, at a minimum, address goals identified in the CLNA's Student Performance and Access and Equity sections.

##### **7.4.1.1 Summary of Plan**

The Applicant institution shall summarize how it will meet or exceed the state-determined target for each core indicator and address prioritized FY 2022 CLNA goals including Student Performance and Access and Equity goals. The summary must be sufficiently detailed to demonstrate (a) the specific challenges for the Applicant in improving its performance on the state-determined target and (b) how the identified CTE programs, activities, and requested budget items make specific contributions toward meeting the core indicator target and addressing prioritized CLNA goals.

FY21-22 Entry Format: *Components of the Plan.*

FY21-22 Sample Entry:

*In keeping with performance gaps identified in its CLNA, the College has developed a plan comprising four major efforts: (1) targeting high-enrollment CTE certificate and degree programs that show the greatest potential for recruiting, retaining and graduating under-represented gender groups in nontraditional fields (CLNA goal VI.3.a); (2) providing group counseling and advising to under-represented students in those targeted programs (CLNA goal I.2.b); (3) providing specific support services that have been shown to be effective in ensuring the students' attendance and progression (CLNA goal VI.1.a); and (4) enhancing the knowledge and skills of instructors and professional staff who work directly with students in nontraditional fields.*

##### **7.4.1.2 Key CTE Programs and Activities**

The Applicant shall identify key CTE individuals, programs, and activities that will play a significant role in meeting or exceeding the state-determined target for each core indicator and addressing prioritized FY 2022 CLNA goals.

***If citing the same program or activity for more than one core indicator, the Applicant shall make clear its relevance to each core indicator and, as relevant, the prioritized FY 2022 CLNA goal.***

Entry Format: *Campus Location (if applicable) - Program, Individual, or Activity » Justification for Activity identified in the CLNA*

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Sample Entries:

*Bluebonnet Campus - Automotive Technology Program – This AAS program had the largest CTE enrollment of women during the previous academic year and, shows the greatest potential to recruit and retain nontraditional students to degree completion (CLNA goal VI.3.a).*

*Student Counseling Services – Research and the College’s CLNA stakeholder outreach indicate that individual and group counseling will be effective in retaining women in nontraditional degree programs. The College plans to expand these services by highlighting their availability and organizing orientation meetings in targeted CTE programs (CLNA goal VI.1.a).*

#### **7.4.1.3 Specific Budget Items**

The Applicant shall identify specific budget items that will play a significant role in meeting or exceeding the state-determined target for each core indicator and addressing prioritized FY 2022 CLNA goals.

Budget items shall comply with the Requirements for Uses of Funds (Appendix K) and the Carl D. Perkins Grant Cost Guidelines (Appendix L). ***If citing the same budget item for more than one core indicator, the Applicant shall make clear its relevance to each core indicator and, as relevant, the prioritized FY 2022 CLNA goal.***

Entry Format: *Budget Schedule » Campus Location (if applicable) - Program, Individual, or Activity » Funding Amount » Justification for Activity*

Sample Entries:

*Schedule A: Bluebonnet Campus - The Special Populations Counselor will develop and lead a new monthly support group for women enrolled in the Automotive Technology Program (10% time @ \$5,000) – Research shows that women’s support groups have been successful in retaining women in certain CTE fields. Retention was found to be an issue of particular concern in the CLNA analysis. (CLNA goal I.2.b)*

*Schedule B: Bluebonnet Campus - The Special Populations Counselor will attend the Women in the Automotive Workforce Conference in Detroit, Michigan, October 15-17, 2021 (\$1,800) – the conference agenda includes presentations and breakout sessions on retention issues. (CLNA goal I.2.b.) Travel costs appear here. Conference fee appears on Schedule F.*

*Schedule F: Child Care Vouchers (\$30,500, representing an estimated 122 vouchers @ \$250) – Tracking retention of students receiving these vouchers has documented that they are effective in helping special populations students persist in CTE programs. (CLNA goal VI.1.a)*

#### **7.4.2 Evaluation Plan**

The Applicant shall develop an Evaluation Plan that measures the effectiveness of the Perkins-funded programs, activities, and budget items in the Performance Improvement Plan. The Evaluation Plan shall include (a) activities and strategies; (b) a planned timeline; and (c) target measures that can be evaluated prior to the end of the grant period.

##### **7.4.2.1 Activities and Strategies**

The Applicant shall identify and describe specific activities and strategies that will be used to meet or exceed the approved, state-determined target for each core indicator and address needs identified in the CLNA. **The identified activities and strategies shall align with the**

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**key CTE programs, activities, and budget items identified in the Performance Improvement Plan for each core indicator.** Each activity and strategy shall be quantifiable in terms of its outcome. Prioritized CLNA goals for FY 2022 shall be addressed as relevant to the PIEP.

*If applying the same activity or strategy to more than one core indicator, the Applicant shall indicate how it contributes to improved performance in each core indicator and, as relevant, the prioritized FY 2022 CLNA goal.*

PLEASE NOTE: Activities and strategies that extend the full length of the Grant Period should be divided into sub-activities and sub-strategies that will show the Awarded Applicant's incremental progress in completing the larger activities and strategies.

Entry Format: *Campus Location (if applicable) - Program, Individual, or Activity » Description of Activity*

Sample Entries:

*Bluebonnet Campus - The Special Populations Counselor will hold monthly support group meetings for women enrolled in targeted programs. (CLNA goal VI.1.a)*

*Bluebonnet Campus - In collaboration with the Special Populations Counselor, the Automotive Technology instructors will implement an action plan to retain women in the Automotive Technology Program, evaluate the success of the strategies in that plan, and identify successful strategies that are transferrable to other CTE programs. (CLNA goal I.2.b)*

Sub-strategy: *Special Populations Counselor and AT instructors will develop an action plan.*

Sub-strategy: *AT instructors will implement strategies of action plan in the spring semester.*

Sub-strategy: *Special Population Counselor and AT instructors will use retention data and student feedback to determine effectiveness of strategies.*

*The Student Services Center will track students who have received child-care vouchers during the fall semester.*

#### **7.4.2.2 Timeline Planned**

The Applicant shall identify a timeline for each activity and strategy. The timeline should be in a monthly/quarterly format unless an activity or strategy extends the length of the Grant Period. In that case, the timeline for the activity or strategy should be subdivided appropriately to show the Awarded Applicant's incremental progress on the larger activity or strategy.

Sample Entries:

*September 2021 – December 2021; January 2022 – May 2022.*

*(For an activity aligned with a college semester or term)*

*November 2021 – March 2022*

*(For a small activity that represents an incremental step within a larger activity or project.)*

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### 7.4.2.3 Target Measures

The Applicant should identify one or more target measures for each activity and strategy. Each target measure must (a) clearly relate to its activity/strategy and (b) state a planned outcome toward improved performance for the core indicator under which the activity/strategy falls.

**Target measures shall be based upon data that can be collected prior to submission of the Final Report.**

Sample Entries:

- 200 CTE students will utilize the Academic Skills Center.
- 85% of CTE students in targeted programs will persist in or complete the programs.
- At least seven “best practice” strategies will be identified in the action plan.
- 100% of strategies from the action plan will be implemented by May 2022.
- 50% of surveyed students will report that one or more strategies are “effective” or “very effective” in helping them stay in the program.
- Ten CTE faculty members will receive professional development on retention strategies.
- 90% of students receiving more than three child-care vouchers during the semester will persist to the next semester of the program.

The following sample shows how the evaluation plan incorporates the instructions provided in Subsections 7.4.2.1 – 7.4.2.3. A complete Performance Improvement/Evaluation Plan is available in Appendix F.

<b>Sample Evaluation Plan for 1P1: Postsecondary Retention and Placement. <i>with example of Biannual and Final Report results</i></b>			
<b>7.4.2.1 - Activities/Strategies</b>	<b>7.4.2.2 - Timeline Planned</b>	<b>7.4.2.3 – Target Measures</b>	<b>Example Biannual and Final Report Results/Comments</b>
2.1. CTE instructors will lead tours of the Academic Skills Center and encourage students in their classes to get tutoring when they have trouble with assignments.	9/1/2021 - 12/15/2021  1/15/2022 - 5/15/2022	200 CTE students will utilize the Academic Skills Center.  200 CTE students will utilize the Academic Skills Center.	<i>Biannual: In fall 2021, 278 of 1031 registered CTE students received tutoring in the Academic Skills Center.</i>  <i>Final: 184 of 938 CTE students utilized the Academic Skills Center.</i>
2.2. Special Populations Counselor and instructors in targeted programs will implement an action plan to retain CTE students and evaluate the success of the strategies in that plan. CLNA goal I.2.b is to strengthen proactive advising for special populations students. (See 2.2a and 2.2b below.)	9/1/2021 - 8/31/2022  <u>See parts a. and b. below for a breakout of this year-long activity.</u>	85% of CTE students in targeted programs will persist in or complete the programs.	<i>Biannual: 43 of 48 students in the fall OTA and Automotive Technology programs registered for spring classes, for a retention rate of 90%.</i>  <i>Final: OTA and Automotive Technology combined graduated 40 of 45 completing students, or 89%.</i>
2.2a. Special Populations Counselor and instructors in	9/1/2021 - 10/31/2021	At least seven “best practice” strategies will be	<i>Biannual: the committee identified 12 strategies and</i>



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targeted programs will develop an action plan of researched "best practices" for retaining CTE students.		identified in the action plan.	<i>submitted them to the Dean of Workforce Education as part of a proposed action plan.</i>
2.2b. Special Populations Counselor and instructors will implement and evaluate strategies in the action plan.	1/1/2022 - 7/31/2022	100% of strategies will be implemented from the action plan by May 2020.  50% of surveyed students will report that one or more strategies are "effective" or "very effective" in their success.	<i>Biannual: 9 of 12 strategies have been implemented for spring 2022. 3 are still under review.  Final: CTE students were surveyed during the last week of regular semester. 68% of students indicated "effective" or "very effective" on the survey.</i>

## 7.5 BUDGET

The Applicant shall prepare a 2021-2022 budget that:

- **identifies prioritized FY 2022 CLNA goals as relevant;**
- includes, but is not limited to, the cost items identified in the Performance Improvement/Evaluation Plans;
- is consistent with the goals and objectives of Perkins V;
- meets applicable rules and laws, including the allowable cost principles in the applicable Uniform Grant Guidance (e.g., 2 CFR 200 Subpart E—COST PRINCIPLES; and
- complies with the Requirements for Uses of Funds (Appendix K), Perkins Grant Cost Guidelines (Appendix L), and Supplementing Versus Supplanting (Appendix M); and
- can be expended within the Federal Funding Period (September 1, 2021 to August 31, 2022).

### 7.5.1 Grant Activity Titles

The Applicant shall identify one of seven grant activity titles with each cost item included in Schedules A-F:

1. **Upgrade Curriculum** - Activities related to the development/upgrade of CTE curriculum.
2. **Professional Development** – Activities related to initial teacher preparation and recruitment of CTE teachers, faculty, administrators, and career guidance and academic counselors, including those who:
  - promote the integration of coherent and rigorous academic content standards and CTE curricula, including opportunities for the appropriate academic and CTE teachers to jointly develop and implement curricula and pedagogical strategies, as appropriate;
  - increase the percentage of teachers who meet teacher certification or licensing requirements;
  - offer a high quality, sustained, and intensive focus on instruction, and increase the academic knowledge and understanding of industry standards, as appropriate, of CTE teachers;
  - encourage applied learning that contributes to the academic and career and technical knowledge of the student;

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- provide the knowledge and skills needed to work with and improve instruction for special populations;
  - assist in accessing and utilizing data, including data provided under Section 118 of Public Law 109-270, student achievement data, and data from assessments; and
  - promote integration with professional development activities that the State carries out under Title II of the Elementary and Secondary Education Act of 1965 and Title II of the Higher Education Act of 1965.
3. **Guidance and Counseling** – Activities that provide access for students (and parents, as appropriate) to information about career awareness and planning, career options, financial aid, and postsecondary options, including baccalaureate degree programs.
  4. **Instructional Equipment** – Purchases to improve the instruction of selected CTE programs and activities to modify or upgrade existing equipment to meet current industry specifications, including new or improved teaching aids. New equipment must be state-of-the-art and purchased to meet industry standards. Instructional Equipment shall be identified only on Schedule C of the Perkins budget.
  5. **Special Populations** – Activities that raise the academic performance of special populations students to the level of performance of other CTE students and that prepare special populations for high skill, high wage, or high demand occupations that will allow them to become self-sufficient.
  6. **One-Stop Centers** – Activities related to the operation of One-Stop Centers.
  7. **Other** – Activities related to program improvement, evaluation, business/industry enrichment, instructional materials, and any related activity that is not identified in Grant Activity Titles 1-6. The Applicant should use the “other” designation only if other Grant Activity Titles do not closely align with the budgeted item.

### **7.5.2 Schedule A: Salaries and Fringe Benefits**

Schedule A shall identify staff salaries that will be supported by Grant funds.

#### **7.5.2.1 Requesting Cost Items under Schedule A**

The Applicant shall calculate salaries at a pay rate that is comparable to those paid for similar positions by the Applicant. If the Applicant has no comparable positions, salaries will be considered reasonable to the extent that the salaries are comparable to those paid for similar work in the labor market. The Chief Executive Officer of the Applicant may be required to provide certification of comparable salaries.

The Applicant shall not request salaries and fringe benefits for executive officers (including the president, vice presidents, and deans) or administrative support staff who may directly or indirectly work on Perkins Basic Grant activities and programs.

Stipends requested for full-time employees for special projects shall be for work that will be performed outside normal duty hours.

The Grant Activity Title “*Special Populations*” shall be used if the employee will work **solely** with special population students and if any work with other CTE students is incidental to and does not detract from their primary job duties.

Entry Format - *Grant Activity (1-7), the campus (if applicable), the title of the position, indication of full-time or part-time, a brief description of the work, prioritized CLNA goal as relevant, the percentage of time the person/position will spend on Perkins Basic Grant activities,*



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*and the total compensation for the Grant Period.*

I. Activity	II. Title/Position	III. % of Time on Project	IV. Amount
<i>Special Populations</i>	<i>South Campus - Student Advisor (FT) – will provide career counseling and guidance to CTE special populations students. CLNA Goal VI.1.a.</i>	<i>50%</i>	<i>\$ 22,000</i>
<i>Other</i>	<i>Tutors (PT) for Health Sciences students (Est. 20 tutors, 50 hrs. each, \$7.50/hr.).</i>	<i>100 %</i>	<i>\$ 7,500</i>

The Awarded Applicant shall:

- have written policies and procedures for Time and Effort recordkeeping;
- provide a breakout of estimated hours and hourly wage for tutors and other employees paid by the hour if the total cost is \$10,000 or more;
- maintain a job description for each position supported full-time or part-time by the Grant; and
- require persons paid by the Grant in whole or in part to keep Time and Effort Records. See additional information in Section 9.43 of this RFA.

### **7.5.3 Schedule B: Travel**

Schedule B shall identify in-state and out-of-state travel for institutional employees that is directly related to Perkins Basic Grant activities.

#### **7.5.3.1 Requesting Cost Items under Schedule B**

The Applicant may not request travel for executive officers (including the president, vice presidents, and deans) or administrative support staff who may directly or indirectly work on Perkins Basic Grant activities and programs.

Travel costs shall include airfare, mileage, hotel, per diem, and other costs directly related to transit. Conference fees and other registration costs should be charged to Schedule F.

Entry Format - *Grant Activity (1-7), campus (if applicable), CTE program or function, position(s) of the traveler(s), the purpose of and justification for the travel, dates and location of the destination (if known when the Application is submitted), prioritized CLNA goal as relevant, and the total cost.*

I. Activity	II. Title/Position	III. Purpose	IV. Amount
<i>Professional Development</i>	<i>South Campus - (2) Special populations advisors</i>	<i>Attend AHEAD conference, Cincinnati, OH, 10/3-5/2021. CLNA goal VI.1.a.</i>	<i>\$ 2,000</i>
<i>Professional Development</i>	<i>Central Campus – Instructor -Automotive Technology</i>	<i>Attend annual manufacturer update, Ford Corp. Conference. 7/10--12/2022, Vista View, MN</i>	<i>\$2,000</i>

The Awarded Applicant shall:

- have written policies and procedures for employees who travel on Perkins business and seek travel reimbursement from the Grant Award;
- reimburse employees traveling on Perkins business at the federal lodging and per diem

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- rates or the Awarded Applicant's rates, whichever are more stringent;
- reimburse employees traveling on Perkins business at the per diem rates or for actual costs not to exceed the per diem rates;
- reimburse travel costs that exceed the per diem rates with other funds (not Perkins funds) that are available to the Awarded Applicant; and
- reimburse actual car mileage at the current rate established by the Texas Comptroller of Public Accounts or the Awarded Applicant's rate, whichever is more stringent.

Additional information about travel rates and allowable and unallowable travel costs is provided in Appendix L.

#### **7.5.4 Schedule C: Capital Outlay/Equipment**

Schedule C shall identify capital items, as defined by federal cost policy (tangible property having an initial acquisition price of more than \$5,000 per unit and a useful life of more than one year) or by the Applicant's local policy, whichever is more stringent. Using the same criteria, computing devices shall be categorized under Schedule C or Schedule F based on the initial per-unit acquisition price. Items should be requested only when they are *necessary* to accomplish specific objectives of the Perkins Act.

**Applicants with more a stringent equipment capitalization policy than the federal cost policy shall email [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) upon submission of the Application. Email notification shall include the cost threshold and useful life criteria of the Applicant's local capitalization policy.**

##### **7.5.4.1 Requesting Cost Items under Schedule C**

Entry Format: *Grant Activity (1-7), the campus (if applicable), program or activity for which the item is being purchased, the number of units to be purchased and the unit cost of the item (if more than one unit is to be purchased), a description of and justification for the item, prioritized CLNA goal as relevant, and the total cost.*

<b>I. Activity</b>	<b>II. Description</b>	<b>III. Amount</b>
<i>Instructional Equipment</i>	<i>South Campus – RN Nursing – (1) Sim Baby with compressors, peripheral kits, and extended warranty - allows for instruction and competency-based testing in a realistic practice setting for students in the Maternal /Child course.</i>	<i>\$ 8,000</i>
<i>Instructional Equipment</i>	<i>West Campus – Electronics - (2 @ \$11,345) Ellipsometer – recommended by industry partners to provide students experience with small scale nanoelectronic measurement.</i>	<i>\$22,690</i>

The Awarded Applicant shall maintain policies, procedures, and practices consistent with 2 CFR §200.313, including but not limited to the following:

- a control system to ensure adequate safeguards against loss, damage, or theft of equipment;
- purchasing, inventorying, and labeling of capital equipment;
- permanent labeling or etching of all equipment with a unique number recorded in the institution's inventory system, which shall record all information required by the CFR;
- holding title to capital items for the Grant Period; and
- ensuring that CTE programs and students have preemptive priority in the use of capital equipment and other inventoried items purchased with Perkins Grant funds. Any other use

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of these items shall be incidental to the primary use and may not add to the cost, wear and tear, or operation of the equipment or inventoried item purchased with Perkins Grant funds.

The Awarded Applicant shall purchase and install capital equipment **as early as possible** during the Federal Funding Period so that CTE programs and students receive the full benefit of those goods and services during the Period. It is **strongly recommended** that Awarded Applicants initiate, approve, and have capital equipment (Schedule C) purchases ready for submission to the supplier no later than April 30, 2022.

### **7.5.5 Schedule D: Consultants and Service Contracts**

Schedule D shall identify professional services to be performed by independent consultants or contractors who are not employees of the Applicant. This may include speakers or presenters as well as those advising the Applicant.

#### **7.5.5.1 Requesting Cost Items under Schedule D**

The Applicant shall not request consultant or contract fees for any services that can be provided by employees of the Applicant. An employee of the Applicant shall not be paid as a consultant or contractor even if the work is done while the employee is on leave or after regular work hours (2 CFR §200.459).

Schedule D shall not include vendor contracts, which belong under Schedule F: Operating Expenses, Services, Books, and Supplies.

Entry Format: *Grant Activity (1-7), the program or activity for which the consultant/contractor is being used, the name of the consultant/contractor (if available), the campus (if applicable), a description of and justification for the services provided, prioritized CLNA goal as relevant, and total cost of services.*

<b>I. Activity</b>	<b>II. Individual or Firm</b>	<b>III. Purpose</b>	<b>IV. Amount</b>
<i>Special Populations</i>	<i>TBD – campus-wide CTE essential skills workshop ("soft" skills)</i>	<i>Bluebonnet Campus - prepares CTE instructors to incorporate essential skills into curricula - increases campus's overall placement rate. CLNA goal II.3.a &amp; VI.3.b.</i>	<i>\$ 1,000</i>
<i>Other</i>	<i>Betty Smith – LVN Nursing Evaluator</i>	<i>Prepares NCLEX-PN® diagnostic report on identified areas of low test performance – increases pass rates.</i>	<i>\$ 2,000</i>

The Awarded Applicant shall:

- conduct all procurement transactions in a manner that provides, to the maximum extent practical, open and free competition (2 CFR §200.319);
- base consultant/contractor selection on demonstrated competence, qualifications and experience, and the reasonableness of the proposed fee;
- base fees on the Awarded Applicant's purchasing policy and may include reimbursement for materials, travel, and other actual costs associated with the consultant/contractor services;
- follow a formal procurement process, including a bidding process, when using a subcontract, including (a) compliance with suspension and debarment by performing a

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verification check including a Sam.gov verification, (b) collecting a certification from the entity, and (c) adding a clause with specific terminology to address suspension and debarment requirements (see Section 11 of this RFA for more information on suspension, debarment, and certification and 2 CFR §200.214);

- maintain procurement records for purchases in excess of the small purchase threshold that include the following information at a minimum: (a) basis for contractor selection, (b) justification for lack of competition when competitive bids or offers are not obtained, and (c) basis for award cost or price (2 CFR §200.320);
- require the consultant or subcontractor to meet the same requirements for purchasing, equipment, and other inventoried items as the Awarded Applicant;
- pay the consultant or contractor on a reimbursement basis;
- retain all executed contracts for consultant/contractor services for a minimum of seven years;
- ensure that consultants and contractors paid with Grant funds do not derive any portion of their regular salary from other Perkins Act sources;
- ensure that Historically Underutilized Businesses (HUBs) are solicited whenever they are potential sources (2 CFR §200.321); and
- ensure that, as appropriate and to the extent consistent with law, preference is given to the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all contracts and purchase orders for work or products under this award (2 CFR §200.322).

#### **7.5.6 Schedule E: Sub-Grants**

Schedule E: Sub-Grants shall not be used as part of the Basic Perkins Program.

#### **7.5.7 Schedule F: Operating Expenses, Services, and Books**

Schedule F shall identify all other allowable direct costs (other than those identified in Schedules A-D).

Entry Format: *Grant Activity (1-7), the campus (if applicable), the program or activity for which the item is being purchased, the number of units to be purchased and the unit cost of the item (if more than one unit is to be purchased), a description of the item, prioritized CLNA goals as relevant, and the total cost. When entering registration fees for various conferences in one line item, the line item must include names/acronyms of planned conferences and unit costs (e.g., 3@\$450) for each conference.*

<b>I. Activity</b>	<b>II. Description</b>	<b>III. Amount</b>
<i>Professional Development</i>	<i>Registration fees for conferences on Schedule B. AHEAD (2 @ \$355), Ford Corp \$100. CLNA goal VI.2.b.</i>	<i>\$ 810</i>
<i>Upgrade Curriculum</i>	<i>North Campus – Automotive Technology – (5 @ \$1,400) Engine stands.</i>	<i>\$ 7,000</i>
<i>Special Populations</i>	<i>Childcare vouchers – (Approx. 35 students @ \$1,000 for the fall and spring semesters). CLNA goal VI.1.a.</i>	<i>\$35,000</i>
<i>Upgrade Curriculum</i>	<i>North Campus – Welding – Supplies (Steel, pipe, gas, rods, misc. supplies).</i>	<i>\$7,200</i>
<i>Other</i>	<i>Dist. Wide CTE Program &amp; Career Coach marketing materials: (posters, brochures, radio ads). CLNA Goal VI.3.a.</i>	<i>\$5,500</i>

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The Awarded Applicant shall maintain policies, procedures, and practices consistent with 2 CFR §200.302 as it pertains to effective control over property, including but not limited to the following:

- a control system to ensure adequate safeguards against loss, damage, or theft of noncapital equipment;
- purchasing, inventorying, and labeling of noncapital equipment;
- permanent labeling or etching of noncapital equipment acquired at a unit cost of \$500-\$4,999; and
- ensuring that CTE programs and students have preemptive priority in the use of noncapital equipment and other Schedule F items purchased with Perkins Grant funds. Any other use of these items shall be incidental to the primary use and may not add to the cost, wear and tear, or operation of the equipment or inventoried item purchased with Perkins Grant funds.

The Applicant shall additionally:

- Provide a cost breakout for the estimated number of students and cost per student for support services budgeted at \$15,000 or above.
- Provide a cost breakout for supplies (consumables) and marketing materials budgeted at \$4,000 or above.

The Awarded Applicant shall purchase and install noncapital equipment as early as possible during the Federal Funding Period so that CTE programs and students receive the full benefit of those goods and services during the Period. It is **strongly recommended** that Awarded Applicants initiate, approve, and have Schedule F equipment purchases ready for submission to the supplier no later than April 30, 2022.

#### **7.5.8 Schedule G: Administration/Indirect Cost**

The Administration/Indirect Cost to the Grant is limited to **no more than** 5% of total direct expenditures. There are two allowable methods for arriving at the Administration/Indirect Cost, of which the Applicant shall choose one:

Indirect Method. The Applicant has a federally approved Indirect Cost Plan on file and makes it available upon request.

Allocation Method. The Applicant has a calculation projection on file, available upon request, showing that administrative cost is at least 5%.

Applicants shall not budget \$0 for the administration/indirect budget and later charge administration costs against the \$0 budget in an expenditure report. If the Applicant believes that administrative/indirect costs will be incurred during the grant period, an appropriate amount must be budgeted in the initial Application. If the amount is not utilized, the funds can be repurposed to other budget schedules by amendment or email notification.

<b>I. Description</b>	<b>II. Amount</b>
<i>Allocation Method: Institution must have a calculation projection on file.</i>	<i>\$ 6,152</i>

#### **7.6 CERTIFICATION REGARDING LOBBYING (APPENDIX C)**

The Certification Regarding Lobbying Form shall be completed and returned with an original signature from the Applicant's representative who is authorized to bind the Applicant. The Form

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must be scanned and emailed to [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) by July 23, 2021. Additional information is available in Section 12 of this RFA.

### **7.7 FFATA CERTIFICATION (APPENDIX D)**

The Federal Funding Accountability and Transparency Act Form shall be completed and returned with an original signature from the Applicant's representative who is authorized to bind the Applicant. The Form must be scanned and emailed to [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) by July 23, 2021. Additional information is available in Section 10.10 of this RFA.

### **7.8 CERTIFICATION OF SECTION 504 AND ADA TITLE II COMPLIANCE (APPENDIX E)**

Certification of Compliance with Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), and their implementing regulations (Appendix E). shall be completed and returned with an original signature from the Applicant's representative who is authorized to bind the Applicant. The Form must be scanned and emailed to [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) by July 23, 2021. Additional information is available in Section 13 of this RFA.

## **8 APPLICATION EVALUATION**

THECB staff will review the Application for completeness and adherence to the requirements of this RFA and will confirm that the Application addresses CLNA goals as required by Section 7.2. THECB staff may seek clarification from the Applicant about the Application at any time from the date of submission to the date of grant execution. An Application may be returned if THECB staff determine that it is incomplete, fails to address fully the Applicant's CLNA, or fails to adhere to the requirements of this RFA. The THECB has final authority to approve an Application and to determine the appropriateness of budget items.

## **9 PROVISIONS AND ASSURANCES**

### **9.1 COST OF APPLICATION PREPARATION**

All costs associated with the preparation and submissions of an Application for this RFA are the responsibility of the Applicant(s). These costs shall not be chargeable to THECB by any successful or unsuccessful Applicant.

### **9.2 APPLICATION DELIVERY AND LATE APPLICATIONS**

**9.2.1** Applications must be submitted by an authorized agent of the Applicant.

**9.2.2** Applications shall be considered to be "on time" if they are received on or before the established deadline date and time. Applicant(s) shall be solely responsible for ensuring that Application is received by the THECB prior to the deadline outlined in this RFA. The THECB shall not be responsible for failure of electrical or mechanical equipment, operator error, or inability of an electronic delivery agent to deliver an Application prior to the deadline. Failure to respond in a timely manner to this RFA may result in Applicant losing the opportunity to receive a Grant under this program. A late Application, regardless of circumstances, may not be evaluated or considered for award.

### **9.3 CONFLICT OF INTEREST**

**9.3.1** Grantee represents and warrants that Grantee, its principals, employees, or subcontractors have no potential conflict of interest in providing Services to THECB under this Grant



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Award/Agreement, and that the provision of Services under this Grant Award/Agreement does not create an appearance of impropriety. Failure to disclose a conflict of interest, at any time during the duration of this Grant Award/Agreement, shall be cause for termination of this Grant Award/Agreement. Grantee represents and warrants that the provision of deliverables and services or other performance under the Grant Award/Agreement will not constitute an actual or potential conflict of interest or reasonably create an appearance of impropriety.

**9.3.2 HB 1295 – Disclosure of Interested Parties.** The THECB may not execute a contract/grant requiring approval of the Board Chair, Vice Chair, and Committee Chair until the Business Entity has presented a certificate disclosing interested parties. "Business Entity" is defined as an entity (other than a governmental entity or state agency) through which business is conducted, regardless of whether the entity is for-profit or nonprofit. The Texas Ethics Commission (TEC) has an online portal for vendors/grantees. Vendors/Grantees will need to create a username and password to complete the "Certificate of Interested Parties" form. After the form has been completed, print and sign before sending a final copy to the THECB at [Contracts@THECB.state.tx.us](mailto:Contracts@THECB.state.tx.us). The TEC portal link can be found at: [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm).

## **FINANCIAL INTERESTS AND GIFTS**

Grantee represents and warrants that neither Grantee nor any person or entity that will participate financially in this Grant Award/Agreement has received compensation from THECB or any agency of the State of Texas for participation in preparation of specifications for this Grant Award/Agreement.

## **9.4 GRANT AWARD**

**9.4.1** Submission of an Application confers no rights of Applicant to an award or to a subsequent Contract, if there is one. The issuance of this RFA does not guarantee that an award will ever be issued. The THECB reserves the right to amend the terms and provisions of the RFA, negotiate with Applicant, add, delete, or modify the award and/or the terms of Application submitted, extend the deadline for submission of Application, or withdraw the RFA entirely for any reason solely at the THECB's discretion. An individual Application may be rejected if it fails to meet any requirement of this RFA. The THECB may seek clarification from Applicant at any time, and failure to respond within a reasonable time frame is cause for rejection of an Application.

**9.4.2** Upon issuance of a Grant Award resulting from this RFA, the term "Eligible Applicant" or "Applicant" shall have the same meaning as "Awarded Applicant." Likewise, the terms "Request for Applications" and "Application" shall have the same meaning as the terms "Grant Award," "Grant," or "Contract."

## **9.5 PAYMENT TERMS**

**9.5.1** Funds shall be provided on a cost reimbursement basis. The final reimbursement payment shall be based upon actual expenditures for the Program, up to the amount provided for in the Grant Award.

**9.5.2** Awarded Applicant shall submit expenditure reports for reimbursement in the time and manner requested by THECB as specified in Appendix J (Reporting Requirement). Expenditure reports may be submitted electronically on form CB 100, which is available through the [Perkins Grants Web Applications](#) portal, any time during the project period but shall be submitted at least quarterly.

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**9.5.3** All encumbrances/obligations shall occur on or between the beginning and ending dates of the federal funding period. All goods must be received, and all services rendered, between the beginning and ending dates of the Federal Funding Period. The Awarded Applicant must liquidate (record as an expenditure) all obligations (encumbrances) incurred under the Grant Award no later than 30 calendar days after the ending date of the Federal Funding Period, to coincide with the submission of the final expenditure report, due 30 calendar days after the ending date of the Federal Funding Period. In no manner shall encumbrances be considered or reflected as accounts payable or as expenditures, and an encumbrance cannot be considered an expenditure or accounts payable until the goods have been received and the services have been rendered. Obligations that are liquidated and recognized as expenditures must meet the allowable cost principles in the Uniform Grant Guidance (2 CFR Chapter I, Chapter II, Part 200, et al.), and program rules, regulations, and guidelines contained elsewhere.

**9.5.4** As consistent with applicable law (e.g., 2 CFR §200.207 and §200.338), payments described in this RFA are contingent upon Awarded Applicant's compliance with applicable federal and state requirements and performance goals being achieved, as determined by the THECB's Point of Contact.

## **9.6 CONFIDENTIAL AND/OR PROPRIETARY INFORMATION**

During the performance of the project implemented under a Grant Award resulting from this RFA, Awarded Applicant may have access to data, information, files, and/or materials (collectively referred to as "data"), which are the property of the THECB or a public school district. These data shall be handled in a method that concurs with all Family Educational Rights and Privacy Act (FERPA) regulations and guidelines.

Applicant agrees to comply with FERPA, 20 U.S.C. Section 1232g, and the implementing federal regulations, 34 CFR Part 99. Applicant agrees (1) to protect any confidential student information it receives or accesses that could make a student's identity traceable, and (2) any confidential data analysis or report shall not be disclosed to any third party without the THECB's prior written consent.

Awarded Applicant shall have a system in effect to protect all data received or maintained in connection with the activities of this RFA. Awarded Applicant agrees to use its best efforts to preserve the safety, security, and integrity of the data, and to ensure the privacy and confidentiality of all data. Any disclosure or transfer of proprietary information by Awarded Applicant shall be in accordance with applicable federal or Texas law.

## **9.7 RELEASE OF INFORMATION BY AWARDED APPLICANT**

**9.7.1** Awarded Applicant shall NOT release any data that is not FERPA compliant. Failure to follow the guidelines established may result in immediate termination of the Grant Award, as allowed by applicable law.

**9.7.2 *Prior Notification.*** Publication, including presentations, is encouraged; however, Awarded Applicant agrees to notify the THECB prior to the publication of any information, including results, findings or reports, regarding the activities being conducted under any Contract/Grant resulting from this RFA. Awarded Applicant shall ensure the following statements are included in any published work.

This work was supported in whole or in part by a grant from the Texas Higher Education Coordinating Board (THECB) with funding provided by the Carl D. Perkins Basic Grant Program. The opinions and



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conclusions expressed in this document are those of the author(s) and do not necessarily represent the opinions or policy of the THECB.

**9.7.2.1** *Potential Publication in News Media of Any Type.* Should Awarded Applicant be contacted by any news media about any information, including results, findings, or reports regarding activities being conducted under any Contract/Grant resulting from this RFA, Awarded Applicant shall notify its THECB Point of Contact, when possible, before communicating with news media. When not possible, Awarded Applicant shall notify its THECB Point of Contact immediately after concluding the communication with the news media.

**9.7.2.2** Should Awarded Applicant desire to contact any news media about any information, including results, findings, or reports regarding activities being conducted under any Contract/Grant resulting from this RFA, Awarded Applicant shall notify its THECB Point of Contact before communicating with news media.

**9.7.3** Any written publication shall be sent electronically to the THECB Point of Contact.

**9.8 RELEASE OF APPLICATION INFORMATION BY THE THECB**

**9.8.1** *Public Information Act.* Awarded Applicant understands and acknowledges that as a Texas state agency, the THECB is subject to the provisions of the Texas Public Information Act, Government Code, Chapter 552 as interpreted by judicial opinions and the opinion of the Attorney General of the state of Texas. Awarded Applicant will cooperate with the THECB in the production of documents responsive to any such requests under the Public Information Act. Awarded Applicant is required to make any information created or exchanged with the state pursuant to this Agreement, and not otherwise exempted from disclosure under the Texas Public Information Act, available in a format that is accessible by the public at no additional charge to the state. The THECB will make a determination whether to submit a Public Information Act request to the Attorney General. This RFA, Awarded Applicant's Application, any Grant awarded to the Applicant, and all data and other information generated or otherwise obtained in its performance may be subject to the Texas Public Information Act. To the extent Grantee is subject to the Public Information Act, Grantee will notify the THECB's General Counsel within 24 hours of receipt of any third party requests for information it receives relating to this Agreement.

**9.8.2** All submitted Applications become the property of the THECB after the RFA submittal deadline date. Upon acceptance of the Grant Award, all information submitted with Applicant's Application becomes part of the Grant Award and becomes public record. Therefore, such information is subject to disclosure under the Texas Public Information Act, unless an exception under the Texas Public Information Act is applicable.

**9.8.3** Any proprietary information included in Applicant's Application shall be subject to disclosure unless such proprietary information was clearly identified by Applicant and such identification was submitted concurrently with the original submission of the proprietary information. Such identification of proprietary information shall be clearly marked in the Application at each page it appears. Such markings shall be in boldface type at least 14-point font. Additionally, Applicant shall state the specific reason(s) an exception from the Texas Public Information Act is being claimed concurrently with the original submission of the proprietary information.

**9.8.4** If Awarded Applicant(s) fails to clearly identify proprietary information with the original submission of the proprietary information, then those Sections will be deemed non-proprietary and made available upon public request after the Grant is awarded. The production of any material under the Grant shall not have the effect of violating or causing the THECB to violate any

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law, including the Texas Public Information Act.

## **9.9 NONCOMPLIANCE**

As consistent with applicable law (e.g., 2 CFR §200.339-343), if Awarded Applicant, in the THECB's sole determination, fails or refuses for any reason to comply with or perform any of its obligations under the Grant Award, the THECB may impose such remedies as it may deem appropriate. An Awarded Applicant may additionally be subject to such remedies under the current award if the Applicant is found, as the result of an investigation, to have been in material breach of the terms of a previous grant awarded under the Carl D. Perkins Career and Technical Education Improvement Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act. This includes but is not limited to the withholding of payments to Awarded Applicant until Awarded Applicant complies; the cancellation, termination, or suspension of this Grant Award in whole or in part; and the seeking of other remedies that may be legally available. Any cancellation, termination, or suspension of this Grant, if imposed, shall become effective at the close of business on the day of Awarded Applicant's receipt of written notice thereof from the THECB.

## **9.10 NEGOTIATION FOR LOCAL ADJUSTED LEVELS OF PERFORMANCE**

If an institution can show that an unanticipated circumstance arose in the institution's Service Delivery Area that resulted in a significant change in the institution's ability to meet one or more state determined performance levels approved by the Department of Education that the institution has historically met, the institution may appeal to the THECB for local adjusted levels of performance. Unanticipated circumstances may include significant shifts in population, economic changes such as spiraling unemployment rates, or natural disasters that closed programs for significant periods of time.

## **9.11 AMENDMENT AND TERMINATION**

**9.11.1 Amendment.** Any amendment or change to the Grant Award which becomes necessary shall be accomplished by a formal Grant Award amendment signed and approved by duly authorized representatives of Awarded Applicant and the THECB. (See Appendix N, Changes to Grant Plan or Budget.) None of the parties to the Grant Award will be bound by any oral statements, agreements, or representations contrary to the written Grant Award requirements and terms and conditions.

**9.11.2 The THECB's Right to Termination.** As consistent with applicable law (e.g., 2 CFR §200.339-343), the THECB may terminate the Grant Award, in whole or in part immediately upon notice to Awarded Applicant, or at such later date as the THECB may establish in such notice, upon the occurrence of any material breach, or discovery by audit or investigation of a past material breach, including, but not necessarily limited to, non-compliance with requirements and assurances outlined in the RFA or its "Provisions and Assurances," failure to provide accurate, timely, and complete information as required by the THECB to evaluate the effectiveness of the program, or a failure to perform any of the work under the Contract to the THECB's satisfaction within the time specified herein or any extension thereof. Any instance of non-compliance shall constitute a material breach. The THECB may, in its sole discretion, provide Awarded Applicant with an opportunity for consultation with the THECB prior to termination. If Awarded Applicant fails or refuses to perform its obligations under the Contract, the THECB may exercise any and all rights as may be available to it by law or in equity.

**9.11.3 Interpretation.** As consistent with applicable law, the Grant may be terminated in the event that federal or state laws or other requirements or a judicial interpretation renders continued

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fulfillment of the grant on the part of either party unreasonable or impossible. If the parties hereto should be unable to agree upon amendment which would thereafter be needed to enable the substantial continuation of the services contemplated herein, then, upon written notification by the THECB to Awarded Applicant, the parties shall be discharged from any further obligations created under the terms of the grant, except for the equitable settlement of the respective accrued interests or obligations incurred up to the date of termination. The THECB reserves the right, at its sole discretion, to unilaterally amend the grant throughout the Grant Period to incorporate any modifications necessary for the THECB compliance, as an agency of the state of Texas, with all applicable state and federal laws, rules, regulations, requirements, and guidelines.

**9.11.4 *Effect of Termination.*** As consistent with applicable law (e.g., 2 CFR §200.339-343), upon receipt of written notice to terminate, Awarded Applicant shall promptly discontinue its work on the project (unless the notice directs otherwise), refund partially or fully all Grant proceeds in accordance with written notice, and shall deliver or otherwise make available to the THECB, a summary of work products (e.g., the required Project components) developed by Awarded Applicant under the Grant Award, whether completed or in process. Upon any termination, all indemnities, including without limitation those set forth in the Grant Award, as well as Grant Award provisions regarding confidentiality, records retention, right to audit, and dispute resolution, shall survive the termination of the Grant Award for any reason whatsoever and shall remain in full force and effect. The THECB shall be liable to Awarded Applicant for that portion of the project authorized by the THECB and which has been completed prior to the effective date of termination, provided that the THECB shall not be liable for any work performed that is not acceptable to the THECB and/or does not meet Grant Award requirements.

**9.11.5** In the event of termination, the THECB reserves the right to negotiate another award based on another Applicant's submission if it is in the state's best interest.

## **9.12 NOTICE**

**9.12.1 *Form of Notice.*** All notices and other communications in connection with this Agreement shall be in writing.

**9.12.2 *Method of Notice.*** All notices must be given (i) by personal delivery, (ii) by an express courier (with confirmation), (iii) mailed by registered or certified mail (return receipt requested), (iv) facsimile, or (v) electronic mail to the parties at the address specified in this Agreement, or to the address that a party has notified to be that party's address for the purposes of this section.

**9.12.3 *Receipt of Notice.*** A notice in accordance with this Agreement will be effective upon receipt by the party to which it is given or, if mailed, upon the earlier of receipt and the fifth business day following mailing.

**9.12.4** The THECB shall not be responsible for notices that are captured, blocked, filtered, quarantined, or otherwise prevented from reaching the proper destination server by THECB or Grantee's anti-virus or other security software.

## **FALSE STATEMENTS AND BREACH OF REPRESENTATIONS**

Grantee represents and warrants that all statements and information prepared and submitted to the THECB are current, complete, true, and accurate. Submitting a false statement or material misrepresentations made during the performance of a Grant Award/Agreement is a material breach and may void the Grant Award/Agreement.

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### **9.13 ASSIGNMENT OR SUBCONTRACTING**

No rights, interest, or obligations in a Grant Award resulting from this RFA shall be assigned, subcontracted, or delegated by Awarded Applicant without prior written permission of the THECB Point of Contact. Any attempted assignment, delegation, or subcontract by Awarded Applicant shall be wholly void and totally ineffective for all purposes unless made in conformity with this paragraph. No delegation, assignment, or subcontract shall relieve Awarded Applicant of any responsibility under this RFA.

Awarded Applicant represents and warrants that it will incorporate all applicable federal laws, regulations, and terms and conditions into any assignment or subcontracting entered into in conformity with this Paragraph.

### **9.14 LIABILITY AND INDEMNIFICATION**

#### **9.14.1 LIABILITY**

**9.14.1.1** Neither THECB review, approval, or acceptance of, nor payment for any of the services provided hereunder shall be construed to operate as a waiver of any rights under the Grant Award, or of any cause of action arising out of the performance of the work required by the Grant Award.

**9.14.1.2** The THECB shall have no liability except as specifically provided by law.

**9.14.1.3** *Sovereign Immunity.* The Parties stipulate and agree that no provision of, or any part of this Grant Award/Agreement between THECB and Grantee, or any subsequent amendment shall be construed: (1) as a waiver of the doctrine of sovereign immunity or immunity from suit as provided for in the Texas Constitution and the Laws of the State of Texas; (2) to extend liability to THECB beyond such liability provided for in the Texas Constitution and the Laws of the State of Texas; or (3) as a waiver of any immunity provided by the 11th Amendment or any other provision of the United States Constitution or any immunity recognized by the Courts and the laws of the State of Texas and the United States. The State of Texas and THECB do not waive sovereign immunity by entering into this Grant Award/Agreement and specifically retain such immunity and all defenses available to them under the laws of the State of Texas or the common law.

#### **9.14.2 INDEMNIFICATION**

(THIS SECTION DOES NOT APPLY TO STATE AGENCIES)

**9.14.2.1** *Acts or Omissions.* Grantee shall indemnify and hold harmless the State of Texas and THECB AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES, AND/OR DESIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEY FEES, AND EXPENSES arising out of, or resulting from, any acts or omissions of the Grantee or its agents, employees, subcontractors, Order Fulfillers, or suppliers of subcontractors in execution or performance of the Agreement. THE DEFENSE SHALL BE COORDINATED BY GRANTEE WITH THE OFFICE OF THE ATTORNEY GENERAL WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND THE GRANTEE MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE OFFICE OF THE ATTORNEY GENERAL. GRANTEE AND THECB AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

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**9.14.2.2** Infringements.

GRANTEE SHALL INDEMNIFY AND HOLD HARMLESS THE STATE OF TEXAS, THECB AND THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, OTHER CONTRACTORS, ASSIGNEES, OFFICERS, AND DESIGNEES FROM ANY AND ALL THIRD PARTY CLAIMS INVOLVING INFRINGEMENT OF UNITED STATES PATENTS, COPYRIGHTS, TRADE AND SERVICE MARKS, AND OTHER INTELLECTUAL OR INTANGIBLE PROPERTY RIGHTS IN CONNECTION WITH THE PERFORMANCES OR ACTIONS OF GRANTEE PURSUANT TO THIS GRANT/AWARD AGREEMENT. GRANTEE AND THECB AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM. GRANTEE SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS' FEES. THE DEFENSE SHALL BE COORDINATED BY GRANTEE WITH THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF TEXAS IF THECB AND/OR THE STATE OF TEXAS AND/OR THEIR OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, OTHER CONTRACTORS, ASSIGNEES, AND DESIGNEES ARE A NAMED DEFENDANT IN ANY LAWSUIT AND THE GRANTEE MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE OF THE OFFICE OF THE ATTORNEY GENERAL. GRANTEE AND THECB AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

Grantee shall have no liability under this section if the alleged infringement is caused in whole or in significant part by: (i) THECB's use of the product or service for a purpose or in a manner for which the product or service was not designed, (ii) any modification made to the product by THECB without Grantee's approval, (iii) any modifications made to the product by the Grantee pursuant to THECB's specific instructions, (iv) any intellectual property right owned by or licensed to THECB by a person or entity other than the Grantee, or (v) any use of the product or service by THECB that is not in substantial conformity with the terms of any applicable license agreement.

If Grantee becomes aware of an actual or potential claim, or THECB provides Grantee with notice of an actual or potential claim, Grantee may (or in the case of an injunction against THECB, shall), at Grantee's sole option and expense; (i) procure for THECB the right to continue to use the affected portion of the product or service, or (ii) modify or replace the affected portion of the product or service with functionally equivalent or superior product or service so that THECB's use is non-infringing.

**9.14.2.3** Taxes/ Workers' Compensation/Unemployment Insurance – Including Indemnity.

GRANTEE AGREES TO COMPLY WITH ALL STATE AND FEDERAL LAWS APPLICABLE TO ANY SUCH PERSONS, INCLUDING LAWS REGARDING WAGES, TAXES, INSURANCE, AND WORKERS' COMPENSATION. THECB AND/OR THE STATE SHALL NOT BE LIABLE TO THE GRANTEE, ITS EMPLOYEES, AGENTS, OR OTHERS FOR THE PAYMENT OF TAXES OR THE PROVISION OF UNEMPLOYMENT INSURANCE AND/OR WORKERS' COMPENSATION OR ANY BENEFIT AVAILABLE TO A STATE EMPLOYEE OR EMPLOYEE OF ANOTHER GOVERNMENTAL ENTITY.

(a) GRANTEE AGREES TO INDEMNIFY AND HOLD HARMLESS THECB, THE STATE OF TEXAS AND/OR THEIR EMPLOYEES, AGENTS, REPRESENTATIVES, CONTRACTORS, AND/OR ASSIGNEES FROM ANY AND ALL LIABILITY, ACTIONS, CLAIMS, DEMANDS, OR SUITS, AND ALL RELATED COSTS, ATTORNEYS' FEES, AND EXPENSES, RELATING TO TAX LIABILITY, UNEMPLOYMENT INSURANCE AND/OR WORKERS' COMPENSATION IN ITS PERFORMANCE UNDER THIS AGREEMENT. GRANTEE SHALL BE LIABLE TO PAY ALL COSTS OF DEFENSE INCLUDING ATTORNEYS' FEES. THE DEFENSE SHALL BE COORDINATED BY GRANTEE WITH THE OFFICE OF THE ATTORNEY GENERAL WHEN TEXAS STATE AGENCIES ARE NAMED DEFENDANTS IN ANY LAWSUIT AND GRANTEE MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING

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THE CONCURRENCE FROM THE OFFICE OF THE ATTORNEY GENERAL. GRANTEE AND THECB  
AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM.

### **9.15 INSURANCE**

(THIS SECTION DOES NOT APPLY TO STATE AGENCIES)

Grantee agrees to maintain at its expense insurance as required for the work being performed under this Agreement. Such insurance will protect the THECB from all claims for bodily injury, death, or property damage which may arise out of or result from the performance of the Grantee's obligations under the Agreement. Grantee represents and warrants that it will, within five (5) business days of receiving the THECB's request, provide the THECB with current certificates of insurance or other proof acceptable to the THECB of the following insurance coverage:

Standard Workers Compensation Insurance in accordance with the following statutory limits covering all personnel who will provide work under this Agreement: Employers Liability: Each Accident \$1,000,000, Disease- Each Employee \$1,000,000, Disease-Policy Limit \$1,000,000.

Commercial General Liability:

Occurrence based: Bodily Injury and Property Damage, Each occurrence limit: \$1,000,000; Aggregate limit: \$2,000,000; Medical Expense each person: \$5,000; Personal Injury and Advertising Liability: \$1,000,000; Products /Completed Operations Aggregate Limit: \$2,000,000; Damage to Premises Rented to You: \$50,000.

Grantee represents and warrants that all of the above coverage is with companies licensed in the state of Texas with at least an "A" rating from A.M. Best Company and authorized to provide the requisite coverage. Grantee also represents and warrants that all policies contain endorsements prohibiting cancellation except upon at least thirty (30) days prior written notice to the THECB. Grantee represents and warrants that it shall maintain the above insurance during the term of this Agreement. Grantee is not relieved of any liability or any other obligations assumed under this Agreement by reason of its failure to obtain or maintain insurance in sufficient amounts, duration, or types.

### **PROHIBITION ON USE OF FUNDS FOR LOBBYING**

Grantee represents and warrants that THECB's payments and Grantee's receipt of appropriated or other funds under this Grant Award/Agreement are not prohibited by Texas Government Code, Sections 556.005 or 556.008.

### **9.16 INTELLECTUAL PROPERTY OWNERSHIP**

Awarded Applicant agrees that all Works (the term "Works" is defined as "all tangible or intangible material, products, ideas, documents or works of authorship prepared or created by Awarded Applicant for this Grant Award") are, upon creation, works made for hire and the sole property of the Texas Education Agency ("TEA.") If the Works are, under applicable law, not considered works made for hire, Awarded Applicant hereby assigns to TEA all worldwide ownership of all rights, including the Intellectual Property Rights, in the Works, without the necessity of any further consideration, and TEA can obtain and hold in its own name all such rights to the Works. Awarded Applicant agrees to maintain written agreements with all officers, directors, employees, agents, representatives and subcontractors engaged by Awarded Applicant for the Contract Project, granting Awarded Applicant rights sufficient to support the performance and grant of rights to TEA by Awarded Applicant. Copies of such agreements shall be provided to TEA promptly upon request.

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Awarded Applicant warrants that (i) it has the authority to grant the rights herein granted, (ii) it has not assigned or transferred any right, title, or interest to the Works or Intellectual Property Rights that would conflict with its obligations under the Contract, and Awarded Applicant will not enter into any such agreements, and (iii) the Works will be original and will not infringe any intellectual property rights of any other person or entity. These warranties will survive the termination of the Contract. If any preexisting rights are embodied in the Works, Awarded Applicant grants to THECB and TEA the irrevocable, perpetual, non-exclusive, worldwide, royalty-free right and license to (i) use, execute, reproduce, display, perform, distribute copies of, and prepare derivative works based upon such preexisting rights and any derivative works thereof and (ii) authorize others to do any or all of the foregoing. Awarded Applicant agrees to notify THECB on delivery of the Works if they include any such preexisting rights. On request, Awarded Applicant will provide THECB with documentation indicating a third party's written approval for Awarded Applicant to use any preexisting rights that may be embodied or reflected in the Works.

For Colleges and Universities: The foregoing Intellectual Property Ownership provisions apply to any colleges and universities and their employees, agents, representatives, consultants, and subcontractors; provided, that for all Works and derivative works created or conceived by colleges or universities under the Contract, they are granted a non-exclusive, non-transferable, royalty-free license to use the Works for their own academic and educational purposes only. The license for academic and educational purposes specifically excludes advertising, offering for sale, selling, distributing, publicly displaying, publicly performing, or reproducing the Works, or making derivative works from the Works that are created or conceived under this Contract and colleges and universities and their employees, agents, representatives, consultants, and subcontractors are prohibited from engaging in these uses and activities with regard to the Works unless the prior express written permission of the TEA Copyright Office is obtained.

#### **9.17 CONFLICTING RFA LANGUAGE**

In the event that language contained in a particular Section of the RFA is found to be in conflict with language in another Section, the most stringent requirement(s) shall prevail.

In the case of conflicts arising in the interpretation of wording and/or meaning of various sections, parts, General Provisions, Special Provisions, Exhibits, and Attachments or other documents, the THECB RFA and its General Provisions, Appendices and Special Provisions shall take precedence over all other documents

#### **9.18 MONITORING**

Pursuant to this Grant, 2 CFR §200, Subpart F, desk reviews and/or on-site monitoring reviews may be conducted by the THECB or its designee to determine compliance with the approved Application and the applicable statute(s), law(s), regulations, and guidelines. Throughout the Grant Period, the THECB and/or its representatives shall have the right to make site visits to review grant operations and accomplishments.

#### **9.19 AUDIT AND ACCESS TO RECORDS**

**9.19.1** Awarded Applicant acknowledges that acceptance of funds under the Contract acts as acceptance of the authority of (1) the Texas State Auditor's Office, or any successor agency, (2) the Texas State Auditor's Office or any successor agency, under the direction of the Texas Legislative Audit Committee, (3) the THECB's Internal Auditor, and (4) any external auditors selected by the THECB, the State Auditor's Office, or the United States, (collectively referred to as "Audit Entities") to conduct an audit or investigation in connection with those funds. Awarded

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Applicant further agrees to cooperate fully with Audit Entities in the conduct of the audit or investigation, including providing all records requested. Awarded Applicant shall ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through Awarded Applicant and the requirement to cooperate is included in any subcontract the Awarded Applicant awards.

**9.19.2** Awarded Applicant shall maintain its records and accounts in a manner which shall assure a full accounting for all funds received and expended by Awarded Applicant in connection with the Contract. The financial management system records will identify adequately the source and application of funds and will contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays (i.e., expenditures), income, and interest. Fiscal control and accounting procedures will permit the tracing of funds to a level of expenditure adequate to establish that funds have been used in accordance with the Approved Application. The Applicant agrees to maintain effective control over and accountability for all funds, property, and other assets. These records and accounts (which includes all receipts of expenses incurred by Awarded Applicant) shall be retained by Awarded Applicant and made available for inspecting, monitoring, programmatic or financial auditing, or evaluation by the THECB and by others authorized by law or regulation to do so for a period of not less than seven (7) years from the date of completion of the grant or the date of the receipt by the THECB of Awarded Applicant's final claim for payment or final expenditure report, the date all related billing questions are resolved, or the date any related litigation issues are resolved, whichever is later. If an audit has been announced, the records shall be retained until such audit has been completed. Awarded Applicant shall make available at reasonable times and upon reasonable notice, and for reasonable periods, all documents and other information related to the grant. Awarded Applicant and any subcontractors shall provide any Audit Entities with any information the entity deems relevant to any monitoring, investigation, evaluation, or audit.

**9.19.3** Each Grantee institution shall have a system established in writing to ensure that appropriate officials provide all necessary organizational reviews and approvals for the expenditure of funds and for monitoring project performance and adherence to Grant terms and conditions under the grant

**9.19.4** The THECB reserves the right to require the reimbursement of any over-payments determined as a result of any audit or inspection of records kept by Awarded Applicant on work performed under the grant. Awarded Applicant shall reimburse the THECB within 30 calendar days of receipt of notice from the THECB of overpayment. Awarded Applicant's failure to comply with this "Audit and Access to Records" subsection shall constitute a material breach of the grant award.

## **9.20 ACCOUNTING SYSTEM**

Awarded Applicant assures it will maintain a financial management system that complies with federal standards established in 2 CFR §200.302, 303, and 305, as applicable, and that provides for accurate, current, and complete disclosure of the financial results of each grant project. The financial management system records will identify adequately the source and application of funds and will contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest. Fiscal control and accounting procedures will permit the tracing of funds to a level of expenditure adequate to establish that funds have been used in accordance with the approved Grant Application. Awarded Applicant agrees to maintain effective control over and accountability for all funds, property, and other assets. In addition, Awarded Applicant shall have an accounting system that accounts for cost in accordance with generally accepted accounting



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principles. Awarded Applicant's accounting system must include an accurate and organized file/records system for accounting and financial purposes for providing backup materials for billings.

### **9.21 SUBMISSION OF AUDIT REPORTS TO THECB**

Awarded Applicants that expend \$750,000 or more total in federal awards in any fiscal year are thus required to conduct a Single Audit or program-specific audit in accordance with the requirements in 2 CFR §200, Subpart F, agree to submit a copy of such audit to the THECB when the schedule of findings and questioned costs disclosed audit findings relating to any federal awards provided by the THECB. A copy of such audit shall also be submitted to the THECB if the summary schedule of prior audit findings reported the status of any audit findings relating to any federal awards provided by the THECB.

An Awarded Applicant shall provide written notification to the THECB that an audit was conducted in accordance with 2 CFR §200, Subpart F when the schedule of findings and questioned costs disclosed no audit findings related to any federal awards provided by the THECB or when the summary schedule of prior audit findings did not report on the status of any prior audit findings related to any federal awards provided by the THECB. Nonprofit organizations (other than charter schools) and universities/colleges shall submit the audit report to the THECB Division of Financial Services. Audit reports must be submitted to the THECB within 30 days of receipt of the report from the auditor. Failure to submit a copy of the audit to the THECB could result in a reduction of funds paid to the Awarded Applicant, a refund to the THECB, termination of the grant award, and/or ineligibility to receive additional grant awards from the THECB.

Entities that expend less than \$750,000 in a fiscal year in federal awards are exempt from the audit requirements in the Single Audit Act and 2 CFR §200, Subpart F. However, such entities are not exempt from other federal requirements (including those to maintain records) concerning federal awards provided to the entity. The entity's records must be available for review or audit by the appropriate officials of federal agencies, pass-through entities, and the General Accounting Office (GAO).

### **9.22 REFUNDS DUE TO THECB**

As consistent with applicable law, the THECB reserves the right to require the reimbursement of any over-payments determined as a result of any audit or inspection of records kept by Awarded Applicant on work performed under the Grant. Awarded Applicant shall reimburse the THECB within 30 calendar days of receipt of notice from the THECB of overpayment. If Awarded Applicant fails to make timely payment, the THECB may obtain such money from Awarded Applicant by any means permitted by law, including but not limited to offset, counterclaim, cancellation, termination, suspension, total withholding, and/or disapproval of all or any subsequent Applications for said funds. This section (Refunds Due To the THECB) survives the termination of the grant.

If the Awarded Applicant determines that funds must be returned to the THECB, the Awarded Applicant must contact the THECB for refund instructions.

The disposal of equipment with a current per unit fair market value in excess of \$5,000 or unused supplies with a total aggregate fair market value in excess of \$5,000 that were purchased with federal grant funds must be catalogued and submitted to the THECB on the Perkins Inventory Disposition Request Form located at <https://www.highered.texas.gov/institutional-resources-programs/public-community-technical-state-colleges/career-technical-education-workforce-initiatives/carl-d-perkins-career-and-technical-education1/perkins-tools-and-data-resources/>.

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### **9.23 NON-APPROPRIATION OF FUNDS**

The Grant may be terminated if funds allocated to the THECB should become reduced, depleted, or unavailable during the Grant Period, and to the extent that the THECB is unable to obtain additional funds for such purposes. The THECB shall negotiate efforts as first consideration and if such efforts fail, then the THECB shall immediately provide written notification to the Awarded Applicant of such fact and the Grant shall be deemed terminated upon receipt of the notification, and neither party shall have any further rights or obligations hereunder. Awarded Applicant shall not incur new obligations after the effective date of termination and shall cancel as many outstanding obligations as reasonably practicable. The THECB shall be liable for costs incurred up to the time of such termination. Under no circumstances shall this RFA or any provisions herein be construed to extend the duties, responsibilities, obligations, or liabilities of the State of Texas or the THECB beyond the then existing biennium.

### **9.24 REPORTING REQUIREMENTS**

Awarded Applicant shall be required to complete programmatic and expenditure reports as part of this RFA. Please refer to Appendix J for specific reporting requirements.

### **9.25 STATE FISCAL COMPLIANCE GUIDELINES**

The standard financial management conditions and uniform assurances set out in the following pages are applicable to all grants, cooperative agreements, contracts and other financial assistance arrangements executed between state agencies, local governments and any other subrecipient not specifically excluded by state or federal law. All applicable conditions and uniform assurances can be found in the *Texas Grant Management Standards* at <https://comptroller.texas.gov/purchasing/grant-management/>.

### **9.26 GOVERNING LAW AND VENUE**

The Grant Award and any incorporated documents shall be governed by and construed in accordance with the laws of the State of Texas. Unless required by statute, the exclusive venue of any suit brought concerning the Grant Award and any incorporated documents is fixed in any Court of competent jurisdiction in Travis County, Texas, and all reimbursements under the Grant shall be due and payable in Travis County, Texas.

### **9.27 ADDITIONAL GRANTEE RESPONSIBILITIES**

Grantee shall comply with all federal, state and local laws, statutes, ordinances, rules and regulations and the orders and decrees of any court or administrative bodies or tribunals in any matter affecting the performance of this Grant Award/Agreement, including applicable workers compensation laws, compensation statutes and regulations, and licensing laws and regulations. Applicant shall also comply with all terms and conditions in federal rules, laws and regulations referenced in Section 10.9, Section 10.10, Section 10.11, Section 11, Appendix C (Certification Regarding Lobbying and other certifications), and other requirements of this RFA. Applicant shall also comply with all applicable Education Department Administrative Regulations (EDGAR) and all applicable Office of Management and Budget Circulars (OMB) regarding applicable costs, administrative requirements, and audit requirements. All these additional federal terms and conditions are herein incorporated for all purposes into the Grant. When requested to do so by THECB, Grantee shall furnish THECB with satisfactory proof of its compliance.

Grantee shall be responsible for damage to THECB's equipment, and/or the workplace and its contents, by its, or its subcontractors' work, negligence in work, personnel, and equipment. Grantee

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shall be responsible and liable for the safety and health of its employees and contractors while they are performing work for THECB under this Grant Award/Agreement. Grantee shall provide all labor and equipment necessary to furnish the deliverables or perform the Services. All employees of Grantee shall be a minimum of 18 years of age and experienced in the type of work to be performed. Grantee shall permit no visitors or relatives of Grantee's employees and contractors on THECB's property unless they also are bona fide employees or subcontractors of Grantee.

Grantee hereby covenants, represents and warrants that Grantee (including, for purposes of this section, its employees, consultants, subcontractors, and agents) (1) has the technical expertise and general skills necessary to perform competently and professionally the Services in accordance with this Grant Award/Agreement, (2) is not a party to or bound by any agreement, obligation, or understanding which restricts or limits in any way Grantee's right to enter into this Grant Award/Agreement or Grantee's right or ability to perform grantee's obligations under this Grant Award/Agreement, (3) shall not use the trade secrets, intellectual property rights, copyrights, or other proprietary rights of any third party in the performance of Grantee's obligations under this Grant Award/Agreement without having first lawfully obtained the right, in writing, to do so, and (4) has the necessary equipment, facilities and workers to perform Grantee's obligations under this Grant Award/Agreement.

#### **9.28 DEBTS AND DELINQUENCIES TO THE STATE**

Grantee agrees that any payments due under the Grant Award/Agreement shall be applied towards any debt or delinquency that is owed to the State of Texas.

#### **9.29 DECEPTIVE TRADE PRACTICES; UNFAIR BUSINESS PRACTICES**

Grantee represents and warrants that it has not been the subject of allegations of Deceptive Trade Practices violations under Texas Business and Commerce Code, Chapter 17, or allegations of any unfair business practice, in any administrative hearing or court suit, and further, that if it has been the subject of either or both such allegations, that Grantee has not been found to be liable for any such practices in such proceedings. Grantee certifies that it has no officers who have served as officers of other entities which have been the subject of allegations of Deceptive Trade Practices Act conduct, violations thereof, or allegations of any unfair business practices, in an administrative hearing or court suit and further, that if such officer(s) has been the subject of either or both such allegations, that such officers have not been found to be liable for any such practices in such proceedings.

Grantee certifies that no funds provided under this Grant Award shall be used to purchase supplies, equipment, or services from any companies found to be guilty of unfair business practices within 12 months from the determination of guilt.

#### **9.30 EXCLUDED PARTIES**

Grantee certifies that it is not listed in the prohibited vendors list authorized by Executive Order No. 13224, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism", published by the United States Department of the Treasury, Office of Foreign Assets Control.

#### **9.31 E-VERIFY**

By entering into this Grant Award/Agreement, the Grantee certifies and ensures that it utilizes and will continue to utilize, for the term of this Agreement, the U.S. Department of Homeland Security's E-Verify system to determine the eligibility of:

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All persons employed to perform duties within Texas, during the term of the Grant Award/Agreement; and

All persons (including subcontractors) assigned by the Grantee to perform work pursuant to the Grant Award/Agreement, within the United States of America.

### **9.32 NO COMMISSIONS**

THECB shall not pay any commissions to Grantee under this Grant Award/Agreement.

### **9.33 APPLICABLE TAXES**

This Grant Award/Agreement shall not be construed so as to supersede the laws of the United States or the State of Texas that accord the State of Texas, THECB, and all departments, agencies, and instrumentalities of the State of Texas exemptions from payment(s) of all taxes of whatever kind. More specifically, to the extent permitted by applicable law, THECB shall not directly or indirectly be liable for taxes of any kind. Grantee represents and warrants that it shall pay all taxes or similar amounts resulting from this Grant Award/Agreement, including, but not limited to, any federal, State, or local income, sales or excise taxes of Grantee or its employees. To the extent permitted by applicable law, THECB shall provide all applicable tax exemption certificates upon the Grantee's request.

### **9.34 ELECTRONIC AND INFORMATION RESOURCES ACCESSIBILITY STANDARDS**

Effective September 1, 2006, state agencies and institutions of higher education shall procure products which comply with the State of Texas Accessibility requirements for Electronic and Information Resources specified in 1 Texas Administrative Code (TAC) Chapter 213 when such products are available in the commercial marketplace or when such products are developed in response to a procurement solicitation.

Grantee shall provide Department of Information Resources (DIR) with the URL to its Voluntary Product Accessibility Template (VPAT) for reviewing compliance with the State of Texas Accessibility requirements (based on the federal standards established under Section 508 of the Rehabilitation Act), or indicate that the product/service accessibility information is available from the General Services Administration "Buy Accessible Wizard" (<http://www.buyaccessible.gov>). Grantees not listed with the "Buy Accessible Wizard" or supplying a URL to their VPAT must provide DIR with a report that addresses the same accessibility criteria in substantively the same format. Additional information regarding the "Buy Accessible Wizard" or obtaining a copy of the VPAT is located at <http://www.section508.gov/>.

### **9.35 SMOKING POLICY**

THECB has a policy of being a smoke-free agency. The policy reflects THECB's commitment to providing a healthy environment for all THECB employees and visitors. This policy prohibits smoking within any state building. The Grantee, by acceptance of this Grant Award/Agreement, agrees to abide by this policy when on the property of THECB.

### **9.36 SUBSTITUTIONS**

Substitutions are not permitted without the written approval of THECB.

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**9.37 CYBERSECURITY TRAINING**

Grantee represents and warrants that it will comply with the requirements of Section 2054.5192 of the Texas Government Code relating to cybersecurity training and required verification of completion of the training program.

**9.38 DISASTER RECOVERY PLAN**

Upon request of THECB, Grantee shall provide the descriptions of its business continuity and disaster recovery plans.

**9.39 KEY PERSONNEL**

Awarded Applicant, in its reasonable discretion, reserves the right to substitute appropriate key personnel to accomplish its duties so long as the substituted personnel are equally qualified and skilled in the tasks necessary to accomplish the Project. Awarded Applicant shall provide to the THECB prior written notice of any proposed change in key personnel (as submitted in Grant Application Cover Page, Appendix B) involved in accomplishing the Project. No substitutions of key personnel will be made without the prior written consent of the THECB. All requested substitutes must be submitted to the THECB as described in Appendix N, Changes to Grant Plan or Budget. The key personnel who will be assigned to work on the Project are considered to be essential to the accomplishing the work.

**9.40 ELIGIBILITY/AUTHORIZATION TO WORK IN THE UNITED STATES**

Awarded Applicant shall ensure that all personnel provided to perform work under the Contract possess proof of eligibility/authorization to work in the United States in compliance with the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Awarded Applicant shall maintain written records on all personnel provided under the grant and shall provide such records to THECB upon request. Failure to maintain and provide records upon request shall represent a material breach of this grant and the THECB shall have the right to terminate the grant award for cause. Awarded Applicant shall ensure this section is included in all subcontracts it is authorized by the THECB to enter.

**9.41 SUPPLANTING PROHIBITION**

**9.41.1** A Grant Award may not be used to replace federal, state, or local funds. Funding provided under this project shall supplement and not supplant state, local, or other federal funds. Supplanting occurs when Perkins funds are used to replace other state, local, or federal funds that had previously supported an activity/purchase. Additional information about the differences between supplementing and supplanting is included in Appendix M.

**9.41.2** Awarded Applicant shall calculate its ratio of Career and Technical Education institutional funds to Career and Technical Education federal funds at least annually with a comparison to the prior five years of calculated ratios regarding potential supplanting. The comparison shall include an analysis and explanation of the change in the annual ratios as it relates to supplanting.

**9.41.3** Awarded Applicant shall maintain a list of program or activity costs, as discussed in Appendix M, which were funded with non-Perkins funds and subsequently funded with Perkins funds. Each program or activity cost shall include documented evidence rebutting the presumption of supplanting.

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#### **9.42 CARRYOVER FUNDS**

No funds may carry over from the end of Grant Period. Any unspent funds at the end of a grant year from Perkins Leadership and Basic grants and the THECB administration grant may be reallocated to qualified Perkins Basic grant recipients and added to their formula allocation.

#### **9.43 TIME AND EFFORT RECORDKEEPING**

For those personnel whose salaries are paid in whole or in part with federal funds, time and effort records shall be maintained by Awarded Applicant that will confirm the services provided through federal funding or, if supported by two or more funding sources, within each funding source. Awarded Applicant must adjust payroll records and expenditures based on this documentation. Time and effort records shall be in accordance with requirements set forth in 2 CFR §200.430(i)(1).

#### **9.44 FORMS, ASSURANCES, AND REPORTS**

Awarded Applicant shall make timely and file with the proper authorities all forms, assurances and reports required by federal laws and regulations. The THECB shall be responsible for reporting to the proper authorities any failure by Awarded Applicant to comply with the foregoing laws and regulations coming to the THECB's attention, and may deny payment or recover payments made by the THECB to Awarded Applicant in the event of Awarded Applicant's failure so to comply.

#### **9.45 FAMILY CODE APPLICABILITY**

By accepting the Grant Award, Awarded Applicant, if other than a state agency or a non-profit, certifies that under Section 231.006, Family Code, that Awarded Applicant is not ineligible to receive payment under this Grant and acknowledges that this Grant Award may be terminated (consistent with 2 CFR §200.338-342) and reimbursement may be withheld if this certification is inaccurate. THECB reserves the right to terminate this Grant if Awarded Applicant is found to be ineligible to receive payment. If Awarded Applicant is found to be ineligible to receive payment and the Grant is terminated, Awarded Applicant is liable to the THECB for attorney's fees, the costs necessary to complete the Grant, including the cost of advertising and awarding a second Grant, and any other damages or relief provided by law or equity.

#### **9.46 AFFIRMATION CLAUSES**

Applicant has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, travel, favor, or service to a THECB public servant, including employees, in connection with the submitted response.

Neither Applicant nor the firm, corporation, partnership, entity, or institution represented by Applicant or anyone acting for such firm, corporation, partnership, entity, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws, or (2) communicated the contents of this Application either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFA.

The THECB is federally mandated to adhere to the directions provided in the President's Executive Order (EO) 14224, Executive Order on Terrorist Financing – Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism, effective 9/24/2001 and any subsequent changes made to it via cross-referencing Applicants with the Federal General Services Administration's System for Award Management (SAM, <http://www.sam.gov>), which is inclusive of the United States Treasury's Office of Foreign Assets Control (OFAC) Specially Designated National (SDN) list. Applicant is not so prohibited from entering into this contract.

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Moreover, Applicant further certifies that the responding entity and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Applicant is in compliance with the State of Texas statutes and rules relating to procurement and that Applicant is not listed on the federal government's terrorism watch list as described in Executive Order 14224. (Entities ineligible for federal procurement are listed at <http://www.sam.gov>.)

**9.47 ANTITRUST**

The undersigned affirms under penalty of perjury of the laws of the State of Texas that (1) in connection with this Grant Award/Agreement, neither I nor any representative of the Grantee have violated any provision of the Texas Free Enterprise and Antitrust Act, Texas Business and Commerce Code Chapter 15; (2) in connection with this Grant Award/Agreement, neither I nor any representative of the Grantee have violated any federal antitrust law; and (3) neither I nor any representative of the Grantee have directly or indirectly communicated any of the contents of this Grant Award/Agreement to a competitor of the Grantee or any other company, corporation, firm, partnership or individual engaged in the same line of business as the Grantee.

**9.48 EQUAL OPPORTUNITY**

Grantee represents and warrants that it shall not discriminate against any person on the basis of race, color, national origin, religion, political belief, sex, age, or disability in the performance of this Grant Award/Agreement.

**9.49 FORCE MAJEURE**

The THECB may grant relief from performance of this grant if Awarded Applicant is prevented from performance by an act of war, order of legal authority, act of God, or other unavoidable cause not attributable to the fault or negligence of the Awarded Applicant. The burden of proof for the need of such relief shall rest upon the Awarded Applicant. Awarded Applicant shall notify the THECB in writing if it believes that a force majeure may have occurred and THECB shall, in its sole discretion, determine if Force Majeure has occurred.

**9.50 DISPUTE RESOLUTION**

If the THECB determines that any work product is not acceptable, the THECB shall notify Awarded Applicant of the specific deficiencies in writing. Awarded Applicant shall then undertake all steps necessary to correct any deficiencies at no additional cost to the THECB. In the event any issues cannot be resolved, the dispute resolution process provided for in Texas Government Code, Chapter 2260, shall be used by the THECB and Awarded Applicant to attempt to resolve any claim for breach of Awarded Applicant. The dispute resolution process provided for in Chapter 2260 of the Texas Government Code must be used to attempt to resolve any dispute arising under the Grant Award/Agreement.

**9.51 PUBLIC DISCLOSURE**

Grantee understands and agrees that no public disclosures or news releases pertaining to this Agreement, including any results, findings or reports conducted to fulfill requirements of this Grant Award/Agreement, shall be made without prior written approval of THECB.

Any written publication shall be sent electronically to the THECB Point of Contact.

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**9.52 SEVERABILITY AND WAIVER**

The invalidity, illegality, or unenforceability of any provisions of the Contract shall in no way affect the validity, legality, or enforceability of any other provisions.

Each and every right granted to the Parties hereunder or under any other document delivered hereunder or in connection herewith, or allowed them by law or equity, shall be cumulative and may be exercised from time to time. Failure by THECB or Grantee at any time to require strict performance of any contractual provision or obligation contained herein shall not constitute a waiver or diminish the rights of either party thereafter to demand strict compliance. Neither THECB's review, approval, acceptance of, nor payment for any of the Services provided in this Grant Award/Agreement shall be construed to operate as a waiver of any rights under the Grant Award/Agreement, or of any cause of action arising out of the performance of the Services required by the Grant Award/Agreement.

**9.53 HUMAN TRAFFICKING PROHIBITION**

Under Section 2155.0061 of the Texas Government Code, Prohibition on Certain Bids and Contracts Related to Persons Involved in Human Trafficking, the Grantee certifies that the individual or business entity named in this Grant Award/Agreement is not ineligible to receive the specified contract and acknowledges that this Grant Award/Agreement may be terminated and payment withheld if this certification is inaccurate.

**9.54 FOREIGN TERRORIST ORGANIZATIONS**

Grantee represents and warrants that it is not engaged in business with Iran, Sudan, or a foreign terrorist organization, as prohibited by Section 2252.152 of the Texas Government Code.

**9.55 ENTIRE AGREEMENT AND ORDER OF PRECEDENCE**

This Grant Award/Agreement consists of the following documents: the final executed Grant Award/Agreement (including its Exhibits and any Amendments), THECB's Request for Applications (RFA), and the Grantee's response to the RFA.

In the event of conflicts, contradictions, or inconsistencies between or among these documents, such conflicts or inconsistencies shall be resolved by reference to the documents in the following order of precedence:

- (1) the original Request for Application ("RFA") including any addenda issued, (2) addenda to the Grantee's Application (if any), and (3) Grantee's Application. This Grant Award/Agreement (including its Exhibits and any Amendments) contains the final, complete and exclusive understanding of the Parties, and supersedes all prior contemporaneous, oral or written understandings, representations, and negotiations between Parties relating to the subject matter of this Grant Award/Agreement. The Parties further agree that this Grant Award/Agreement may not in any way be explained or supplemented by a prior or existing course of dealings between the Parties, by usage of trade or custom, or by any prior performance between the Parties pursuant to this Grant Award/Agreement or otherwise.

If language contained in a particular Section of the RFA is found to be in conflict with language in another Section, the most stringent requirement(s) shall prevail.

**10 SPECIAL CONTRACT PROVISIONS AND ASSURANCES**

The following Special Provisions and Assurances apply to all projects funded under the Perkins Act.



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## **10.1 DESK REVIEWS**

General ledgers, travel receipts, purchase orders, invoices, Time and Effort reports, sub-grants, subcontracts or other expense documentation supporting each budget line item shall be provided upon request for review.

For the sub-grant and subcontracts, review will ensure the following were included on each sub-grant or subcontract:

1. CFDA# 84.048A and reference to "Perkins Basic Grant Program"
2. Requirement to comply with Federal law and regulations
3. Suspension and Debarment verification
4. Services to be Performed
5. Deliverables
6. Due Dates
7. Amount of Award
8. Time Period of Award

## **10.2 SOCIAL ACTIVITIES EXPENDITURES**

Amusement, social activities, and incidental entertainment costs such as alcoholic beverages, gratuities, door prizes, and gifts are not allowable expenditures under this Grant. Meals are allowable only when business is being conducted during the meal and a reasonable argument can be made for such expenditure.

## **10.3 REGISTRATION FEES**

Registration fees may be charged for meetings, conferences, and other activities sponsored or funded by the project.

## **10.4 PROGRAM INCOME**

An Awarded Applicant may generate program income in the operation of projects directly supported by federal funds administered by the THECB. In no case, however, may such income be generated from fees or charges to any person or institution that is intended to be a third-party beneficiary of such projects. Awarded Applicant shall establish budget and accounting control for such program income that is separate from the project proper. This accounting shall demonstrate that the program income is being used to further the objectives of the related project. ~~A brief narrative shall be included with biannual and final reports. The narrative shall declare the existence of program income, its source(s), the amount generated, and a brief description of the use or planned use of the funds.~~

## **10.5 SPECIAL FUND RESTRICTIONS**

- No funds awarded under the Perkins Act may be used to provide career and technical education programs to students prior to the seventh grade, except that (1) career exploration activities may be provided to students in the fifth grade and above and (2) equipment and facilities purchased with funds under the Perkins Act may be used by such students.
- The acquisition of furniture (e.g., desks, chairs, bookcases, file cabinets, tables) is not allowable unless it is an integral part of an equipment workstation for instruction or acquired to provide reasonable accommodations for CTE students who are disabled.

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- Funds may be used for new CTE program implementation only after a program has been approved by the institution's governing board and the Coordinating Board.
- The use of funds to support Continuing Education (CE) programs or students in such programs is limited to Coordinating Board-approved CE programs of at least 360 contact hours.

#### **10.6 REQUIRED INTERNAL CONTROLS**

2 CFR §200.303 Internal Controls states that "The non-Federal entity must: (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award." Institutions must have the following policies and procedures in place to address the use of Perkins funds:

1. Procurement
2. Supplement not supplant (Appendix M has additional information.)
3. Travel
4. Conflicts
5. Gratuity violations
6. Inventory controls
7. Allowable costs
8. Cash management
9. Time and effort recordkeeping

#### **10.7 UNFAIR BUSINESS PRACTICES**

By submitting an Application for this RFA, Awarded Applicant, if other than a state agency, certifies that Awarded Applicant, within the preceding 12 months, has not been found guilty, in a judicial or state agency administrative proceeding, of unfair business practices. Awarded Applicant, if other than a state agency, also certifies that no officer of its company has, within the preceding 12 months, served as an officer in another company which has been found, in a judicial or state agency administrative proceeding, to be guilty of unfair business practices.

Awarded Applicant, whether a state agency or not a state agency, certifies that no funds provided under this Grant Award shall be used to purchase supplies, equipment, or services from any companies found to be guilty of unfair business practices within 12 months from the determination of guilt.

#### **10.8 FUNDS FOR RELIGIOUS WORSHIP, INSTRUCTION**

No funds will be used to pay for religious worship, instruction, or proselytization, or for any equipment or supplies for such, or for any construction, remodeling, repair, operation, or maintenance of any facility or part of a facility to be used for religious worship, instruction, or proselytization (34 CFR 76.532 and P. L. 107-110, Section 9505).

#### **10.9 DISCLOSURE OF GIFTS AND CAMPAIGN CONTRIBUTIONS**

The Awarded Applicant shall file disclosures of gifts and campaign contributions as required by State Board of Education Operating Rule 4.3, which is incorporated as if set out in full. The Awarded Applicant has a continuing obligation to make disclosures through the term of the Contract. Failure to comply with State Board of Education Operating Rule 4.3 is grounds for canceling the Grant Award.

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**10.10 FEDERAL RULES, LAWS AND REGULATIONS THAT APPLY TO ALL FEDERAL PROGRAMS**

Awarded Applicant shall be subject to and shall abide by all federal laws, rules and regulations pertaining to the Contract project, including but not limited to:

1. Americans With Disabilities Act, P. L. 101-336, 42 U.S.C. sec. 12101, and the regulations effectuating its provisions contained in 28 CFR Parts 35 and 36, 29 CFR Part 1630, and 47 CFR Parts 0 and 64;
2. Title VI of the Civil Rights Act of 1964, as amended (prohibition of discrimination by race, color, or national origin), and the regulations effectuating its provisions contained in 34 CFR Part 100;
3. Title IX of the Education Amendments of 1972, as amended (prohibition of sex discrimination in educational institutions) and the regulations effectuating its provisions contained in 34 CFR Part 106, if Contractor is an educational institution;
4. Section 504 of the Rehabilitation Act of 1973, as amended (nondiscrimination on the basis of handicapping condition), and the regulations effectuating its provisions contained in 34 CFR Part 104 and 105;
5. Age Discrimination Act of 1975, as amended (prohibition of discrimination on basis of age), and any regulations issued there under, including the provisions contained in 34 CFR Part 110;
6. Family Educational Rights and Privacy Act (FERPA) of 1975, as amended (ensures access to educational records for students and parents while protecting the privacy of such records), and any regulations issued there under, including Privacy Rights of Parents and Students (34 CFR Part 99), if Contractor is an educational institution (20 USC 1232g);
7. Section 509 of H.R. 5233 as incorporated by reference in P. L. 99-500 and P. L. 99-591 (prohibition against the use of federal grant funds to influence legislation pending before Congress);
8. Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children [P. L. 107-110, Section 4303(a)]. In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services [P. L. 107-110, Section 4303(b)(1)]. Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P. L. 107-110, Section 4303(e)(1));
9. Fair Labor Standards Act (29 USC 207), Davis Bacon Act (40 USC 276(a), and Contract Work Hours and Safety Standards Act (40 USC 327 et seq.), as applicable, and their implementing regulations in 29 CFR 500-899, 29 CFR Parts 1,3,5, and 7, and 29 CFR Parts 5 and 1926, respectively;
10. Buy America Act: Contractor certifies that it is in compliance with the Buy America Act in that each end product purchased under any federally funded supply contract exceeding \$2,500 is considered to have been substantially produced or manufactured in the United States. End products exempt from this requirement are those for which the cost would be unreasonable, products manufactured in the United States that are not of satisfactory quality, or products for which the agency head determines that domestic preference would be inconsistent with the public interest. Contractor also certifies that documentation will be maintained that documents compliance with this requirement (FAR 25.1-.2);

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11. P.L. 103-227, Title X, Miscellaneous Provisions of the GOALS 2000: Educate America Act; P.L. 103-382, Title XIV, General Provisions of the Elementary and Secondary Education Act, as amended; and General Education Provisions Act, as amended;
12. Prohibition of Text Messaging and E-mailing while Driving during Official Federal Grant Business: Personnel funded from federal grants and their subcontractors and subgrantees are prohibited from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using organization-supplied electronic equipment to text message or e-mail while driving. Recipients must comply with these conditions under Executive Order 14513, "Federal Leadership on Reducing Text Messaging While Driving" October 1, 2010 (pursuant to provisions attached to federal grants funded by the U.S. Department of Education);
13. Crimes and Prohibited Activities: Anti-Kickback (Copeland) Act, as implemented at 29 CFR 3.1; False Claims Act, 31 USC 3729; and Program Fraud Civil Remedies Act, 31 USC 3801-3812;
14. Drug-Free Workplace: Drug-Free Workplace Act of 1988, P.L. 100-690, as implemented in common rule from by individual agencies;
15. Federal Funding Accountability and Transparency Act of 2006 (FFATA): The Federal Funding Accountability and Transparency Act of 2006 (FFATA) ensures that the public can access information on all entities and organizations receiving Federal funds. Central to the law was the development of [www.USASpending.gov](http://www.USASpending.gov), a publicly-available website with searchable information on each Federal grant and contract. As part of the FFATA guidance, the THECB will be responsible for providing award information to the Uniform Statewide Accounting System, but Contractor will be responsible for registering in the System for Award Management (SAM) website, [www.sam.gov](http://www.sam.gov), prior to receiving federal funds from the THECB. Once Contractor is registered with SAM, the THECB will have the information required to submit the federally required reporting elements.
16. Registration in SAM ([www.sam.gov](http://www.sam.gov)) is an essential part of receiving this Grant. Although Contractor may already be registered, it is incumbent upon the Contractor to ensure this compliance. In addition to SAM registration, Contractor must provide the THECB with:
  - (1) Data Universal Numbering System Number (DUNS Number). No entity may receive a sub-award from the THECB unless the entity has provided its DUNS number to the THECB.
  - (2) Congressional district where the services will be performed/located.

#### **10.11 FEDERAL REGULATIONS APPLICABLE TO ALL FEDERAL PROGRAMS**

For Institutions of Higher Education (IHEs): 28 CFR 35 Subparts A-E, 28 CFR 36 Subparts C & D, Appendix A, 29 CFR 1630, 34 CFR 74, 77, 79, 81, 82, 85, 86, 99, 104, 47 CFR 0 and 64, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, CFR §200, Subpart E (Cost Principles), 2 CFR §200, Subpart F (Audits), and 2 CFR Part 215 (Uniform Administrative Requirements), as currently enacted and as may be amended. This list is illustrative and may not be exhaustive.

#### **10.12 GENERAL EDUCATION PROVISION ACT (GEPA)**

General Education Provisions Act (GEPA), as Amended, Applicable to All Federal Programs Funded or Administered Through or By the U. S. Department of Education:

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Participation in Planning: Applicant will provide reasonable opportunities for the participation by teachers, parents, and other interested parties, organizations, and individuals in the planning for and operation of each program described in this Application (20 USC 1232(e)).

Availability of Information: Any Application, evaluation, periodic program plan, or report relating to each program described in this Application will be made readily available to parents and other members of the general public (20 USC 1232(e)).

Sharing of Information: Contractor certifies that it has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program described in this Application significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects (20 USC 1232(e)).

Prohibition of Funds for Busing: The Applicant certifies that no federal funds (except for funds appropriated specifically for this purpose) will be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system (20 USC 1228).

Direct Financial Benefit: Contractor certifies that funds expended under any federal program will not be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity or its employees or any affiliate of such an organization [20 USC 1232(b)(8)].

## **11 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 2 CFR Part 180.

### **11.1 DEFINITIONS**

As used in this Section:

**Covered Transaction** - A transaction under Federal non-procurement programs, which can be either a primary covered transaction or a lower tier covered transaction.

**Lower Tier Covered Transaction** - (1) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction; (2) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold of \$25,000; (3) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount.

**Participant** - Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction, including an agent or representative of another participant.

**Principal** - An officer, director, owner, partner, principal investigator, or other person within a participant with management or supervisory responsibilities related to a covered transaction; or a consultant or other person, whether or not employed by the participant or paid with Federal funds, who (1) is in a position to handle Federal funds; (2) is in a position to influence or control the use of those funds; or (3) occupies a technical or professional position capable of substantially influencing the development or outcome of an activity required to perform the covered transaction.

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**System for Award Management (SAM)** - The list maintained and disseminated by the General Services Administration (GSA) containing names and other information about persons who are ineligible.

General Services Administration (GSA) containing names and other information about persons who are ineligible.

**Debarment** - Action taken by a debarring official (Federal agency) to exclude a person (recipient) from participating in covered transactions.

**Suspension** - An action taken that immediately prohibits a person from participating in covered transactions for a temporary period, pending completion of an agency investigation and any judicial or administrative proceedings that may ensue.

**Ineligible** - generally refers to a person who is either excluded or disqualified.

**Person** - Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

**Proposal** - A solicited or unsolicited bid, application, request, invitation to consider or similar communication by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

**Voluntarily Excluded** - A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

## **11.2 TERMS**

**11.2.1** By signing the Application Cover Page and submitting its Application, the prospective lower tier participant is providing the certification set out below.

**11.2.2** The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**11.2.3** The prospective lower tier participant shall provide immediate written notice to the THECB's Point of Contact if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

**11.2.4** The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. Awarded Applicant may contact the THECB for assistance in obtaining a copy of those regulations.

**11.2.5** The prospective lower tier participant agrees by submitting its Application that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

**11.2.6** The prospective lower tier participant further agrees by submitting its Application that it will include a clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions", stating the Certification listed below (at

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15.3) without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

**11.2.7** A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Non-Procurement List.

**11.2.8** Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

**11.2.9** Except for transactions authorized under paragraph 11.2.5 of this section, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

### **11.3 CERTIFICATION**

By signature on the Application Cover Page and by submission of its Application, Applicant certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

Where Applicant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to its Application.

The Applicant certifies that it will comply with all applicable provisions of 2 CFR Part 180.

## **12 LOBBYING CERTIFICATES**

Submission of the Certification Regarding Lobbying, which is a separate form attached to this RFA as Appendix C and which must be submitted with the Application Cover Page, covers all federal programs in this Application, is required by the U. S. Department of Education and Section 1452, Title 31, of the United States Code, and is a prerequisite for making or entering into a sub grant or subcontract over \$100,000 with any organization.

Further, Awarded Applicant certifies by signature on the Application Cover Page and by submitting an Application, to the best of his or her knowledge and belief, that:

No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.

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1. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant or cooperative agreement, Awarded Applicant shall complete and submit Standard Form – LLL "Disclosure of Lobbying Activities," in accordance with its instructions.
2. Awarded Applicant shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including contracts under grants, cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### **13 CERTIFICATION OF SECTION 504 AND ADA TITLE II COMPLIANCE**

Beginning with the FY 2022 program year, institutions applying for Carl D. Perkins Formula funds shall submit Certification of Compliance with Section 504 (Rehabilitation Act of 1973), ADA Title II, and Implementing Regulations. The Certification form is attached to this RFA as Appendix E and must be submitted with the Application Cover Page.

The *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) require THECB to conduct compliance reviews of colleges that offer CTE programs and receive federal financial assistance from the Department of Education, including Perkins funds.

THECB conducts compliance reviews in accordance with the Texas Postsecondary Methods of Administration (MOA) for Complying with Civil Rights Requirements in Vocational Education Programs approved by the Office of Civil Rights (OCR) of the U.S. Department of Education (USDOE).

THECB performs compliance oversight for the following federal statutes and their implementing regulations:

- Discrimination on Basis of Race, Color, and National Origin. Title VI of the Civil Rights Act of 1964 (*34 C.F.R. Part 100 (Title VI)*);
- Discrimination on Basis of Sex. Title IX of the Educational Amendments of 1972 (*34 C.F.R. Part 106 (Title IX)*);
- Discrimination on Basis of Disability:
  - Section 504 of the Rehabilitation Act of 1973, (*34 C.F.R. Part 104 (Section 504)*); and
  - Title II of the Americans with Disabilities Act of 1990, (*28 C.F.R. Part 35 (Title II)*).

In July 2018, Congress passed the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V), reauthorizing and updating the Carl D. Perkins Career and Technical Education Act of 2006. Perkins V reinforces the Act's longstanding requirement to assess and reduce barriers for students in designated special populations categories and adds new accountability requirements.

In February 2020, the OCR and USDOE's Office of Career, Technical, and Adult Education (OCTAE) issued a joint memorandum that encouraged state agencies to update approved MOAs to incorporate Perkins V equity and civil rights oversight into existing compliance oversight. The USDOE approved THECB's updated MOA in September 2020.

THECB's updated MOA adds analysis of disaggregated institutional Perkins special populations data and analysis of an institution's Comprehensive Local Needs Assessment (CLNA) implementation, as evidenced by core indicator performance trends, to existing analysis of racial, ethnic, gender, and disabilities data. The purpose is to identify institutions with significant gaps in CTE student performance, including special populations' access to CTE.



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Students with disabilities are protected by Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. Such students are also a designated Perkins special populations category.

**Please scan and email a signed copy of the Certification Regarding Lobbying and Disclosure Form (Appendix C), Certification of Sec. 504 and ADA Title II Compliance, and the FFATA Certification (Appendix D) with the Application Cover Page.**

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**APPENDIX A  
2021-2022 PERKINS BASIC GRANT PROGRAM ALLOCATIONS**

<b><u>ELIGIBLE APPLICANT</u></b>	<b><u>ALLOCATION*</u></b>
Alamo Community College District	\$2,066,281
Alvin Community College	\$133,308
Amarillo College	\$774,087
Angelina College	\$306,980
Austin Community College	\$1,013,398
Blinn College District	\$482,986
Brazosport College	\$124,338
Central Texas College	\$656,295
Cisco College	\$171,794
Clarendon College	\$89,427
Coastal Bend College	\$380,467
College of the Mainland Community College District	\$203,825
Collin County Community College District	\$927,546
Dallas College District	\$1,343,288
Del Mar College	\$620,142
El Paso Community College District	\$765,905
Frank Phillips College	\$82,639
Galveston College	\$155,248
Grayson College	\$524,866
Hill College	\$142,368
Houston Community College	\$2,179,164
Howard County Junior College District	\$163,702
Kilgore College	\$350,072
Lamar Institute of Technology	\$517,502
Lamar State College-Orange	\$260,463
Lamar State College-Port Arthur	\$316,708
Laredo College	\$534,715
Lee College	\$659,628
Lone Star College System District	\$1,120,522
McLennan Community College	\$614,112

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<b><u>ELIGIBLE APPLICANT</u></b>	<b><u>ALLOCATION*</u></b>
Midland College	\$168,036
Navarro College	\$336,042
North Central Texas College	\$338,708
Northeast Texas Community College	\$208,159
Odessa College	\$331,920
Panola College	\$276,221
Paris Junior College	\$268,342
Ranger College	\$102,246
San Jacinto Community College	\$1,043,944
South Plains College	\$640,355
South Texas College	\$2,163,618
Southwest Texas Junior College	\$272,524
Tarrant County College District	\$995,549
Temple College	\$157,914
Texarkana College	\$398,953
Texas Southmost College	\$235,129
Texas State Technical College Central Office	\$2,336,321
Trinity Valley Community College	\$311,677
Tyler Junior College	\$1,101,916
Vernon College	\$268,797
Victoria College	\$196,128
Weatherford College	\$182,491
Western Texas College	\$50,000
Wharton County Junior College	\$208,098

\* Allocations may change based on funding made available from uncommitted Perkins State Leadership and Administration funds.

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**APPENDIX B  
APPLICATION COVER PAGE**

Original Application	
<b>Texas Higher Education Coordinating Board</b>	
<b>Carl D. Perkins Grants for Program Year 2021-2022</b>	
<b>Application Cover Page</b>	

<b>Project Title:</b>		
Category:	Classification:	Application Number:

<b>Applicant Institution:</b>	
Name:	
FICE Code:	
Mailing Address:	
City, State, Zip:	

<b>Project Director:</b>  Name:  Phone:  Fax:  E-mail:	<b>Perkins Point of Contact:</b>  Name:  Phone:  Fax:  E-mail:
--	--

We hereby certify that the information contained in this application is, to the best of our knowledge, correct and that the institution named above has authorized us as its representatives to obligate this institution. We further certify that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, applications guidelines and instructions, the Provisions and Assurances, Debarment and Suspension, Lobbying Certifications, Drug-Free Workplace requirements, Special Provisions and Assurances, and the schedules as applicable. We are in full acceptance of the terms and conditions described in the THECB's RFA for Perkins Basic Grant 2021-2022. It is understood that this application constitutes an offer and, if accepted by the THECB or renegotiated to acceptance, will form a binding agreement.

Name/Title of Chancellor/President/CEO from Applicant Institution	Signature	Date
Name/Title of Chief Financial Officer	Signature	Date
Name/Title of Perkins Point of Contact	Signature	Date

**APPENDIX C**  
**CERTIFICATION REGARDING LOBBYING AND DISCLOSURE FORM**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

**(Please check one or two of the following that pertain to your institution.)**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. ☐ No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. ☐ If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

*If box 2 is checked, the completion of "Disclosure of Lobbying Activities" form-LLL is required.*

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. **Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.**

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**As the duly authorized representative of the Applicant, I hereby certify that the Applicant will comply with the above certification.**

**Name of Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

\_\_\_\_\_ **(Date)** \_\_\_\_\_

**(Signature of Authorized Official)**

\_\_\_\_\_  
**(Title of Authorized Official)**

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**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

<b>1. Type of Federal Action:</b> a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> a. bid/offer/ application ____ b. initial award c. post-award	<b>3. Report Type:</b> a. initial filing ____ b. material change  <b>For material change only:</b> Year ____ quarter ____ Date of last report ____
<b>4. Name and Address of Reporting Entity:</b> ____ Prime      ____ Subawardee Tier ____, if Known: <b>Congressional District, if known:</b>	<b>5. If Reporting Entity in No. 4 is Subawardee,</b> Enter Name and Address of Prime:  <b>Congressional District, if known:</b>	
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: ____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$ ____	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
<b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____  <b>Print Name:</b> ____  <b>Title:</b> ____  <b>Telephone No.:</b> _____ <b>Date:</b> _____	
<b>Federal Use Only</b>	<b>Authorized for Local Reproduction</b> <b>Standard Form - LLL (Rev. 7-97)</b>	

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***Federal Agency Form Instructions - Disclosure of Lobbying Activities***

Form Identifiers	Information
Agency Owner	Grants.gov
Form Name	Disclosure of Lobbying Activities (SF-LLL)
Form Version Number	1.2
OMB Number	4040-0013
OMB Expiration Date	02/28/2022

**Form Field Instructions**

Field Number	Field Name	Required or Optional	Information
1.	*Type of Federal Action:	Required	Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action. This field is required.
2.	*Status of Federal Action	Required	Identify the status of the covered Federal action. This field is required.
2-a.	a. Bid/Offer/Application	Check if applicable	Click if the Status of Federal Action is a bid, an offer or an application.
2-b.	b. Initial Award	Check if applicable	Click if the Status of Federal Action is an initial award.
2-c.	c. Post-Award	Check if applicable	Click if the Status of Federal Action is a post-award.
3.0	*Report Type	Required	Identify the appropriate classification of this report.
3-a.	a. Initial filing	Check if applicable	Check if Initial filing.
3-b.	b. Material change	Check if applicable	If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the previously submitted report by this reporting entity for this covered Federal action. This field is required.

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Field Number	Field Name	Required or Optional	Information
	Material Change Year	Conditionally Required	If this is a follow up report caused by a material change to the information previously reported, enter the year in which the change occurred.
	Material Change Quarter	Conditionally Required	If this is a follow up report caused by a material change to the information previously reported, enter the quarter in which the change occurred.
	Material Change Date of Last Report	Conditionally Required	Enter the date of the previously submitted report by this reporting entity for this covered Federal action.
4.	Name and Address of Reporting Entity	Required	Provide the information for Name and Address of Reporting Entity.
	Prime	Check if applicable	Click to designate the organization filing the report as the Prime Federal recipient.
	Subawardee	Check if applicable	Click to designate the organization filing the report as the Subawardee Federal recipient. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
	Tier if known:	Optional	Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier.
	Name	Required	Enter the name of reporting entity. This field is required
	Street 1	Required	Enter Street 1 of the reporting entity. This field is required.
	Street 2	Optional	Enter Street 2 of the reporting entity.
	City	Required	Enter City of the reporting entity This field is required.
	State	Required	Enter the state of the reporting entity. This field is required
	ZIP	Required	Enter the ZIP of the reporting entity. This field is required



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Field Number	Field Name	Required or Optional	Information
	Congressional District, if known	Optional	Enter the primary Congressional District of the reporting entity. Enter in the following format: 2 character state abbreviation – 3 characters district number, e.g., CA-005 for California 5 <sup>th</sup> district,  CA-012 for California 12 <sup>th</sup> district, NC-103 for North Carolina's 103 <sup>rd</sup> district.
5.	If Reporting Entity in No. 4 is Subaward, Enter Name and Address of Prime	Conditionally Required	If Reporting Entity in No. 4 is Subaward, provide the information for the Name and Address of Prime
	Name	Required	If the organization filing the report in item 4, checks "Subawardee", enter the full name of the prime Federal recipient.
	Street 1	Required	If the organization filing the report in item 4, checks "Subawardee", enter the address of the prime Federal recipient.
	Street 2	Optional	If the organization filing the report in item 4, checks "Subawardee", enter the address of the prime Federal recipient.
	City	Required	If the organization filing the report in item 4, checks "Subawardee", enter the city of the prime Federal recipient.
	State	Required	If the organization filing the report in item 4, checks "Subawardee", select the appropriate state from this pull down menu.
	ZIP	Required	Enter the ZIP of Prime. This field is required

Field Number	Field Name	Required or Optional	Information
	Congressional District, if known	Optional	Enter the Congressional District of Prime. Enter in the following format: 2 character state abbreviation – 3 characters district number, e.g., CA-005 for California 5 <sup>th</sup> district, CA-012 for California 12 <sup>th</sup> district, NC-103 for North Carolina's 103 <sup>rd</sup> district.

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6.	Federal Department/Agency	Required	Enter the name of the Federal Department or Agency making the award or loan commitment. This field is required.
7.	CFDA Number:	Required	Enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments. Pre-populated from SF-424 if using Grants.gov.
	CFDA Title:	Required	Enter the Federal program name or description for the covered Federal action. Pre-populated from SF-424 if using Grants.gov.
8.	Federal Action Number	Optional	Enter the most appropriate Federal identifying number available for the Federal action, identified in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9.	Award Amount	Optional	For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment of the prime entity identified in item 4 or 5.

Field Number	Field Name	Required or Optional	Information
10.a.	Name and Address of Lobbying Registrant	Required	Provide the information for the Name and Address of Lobbying Registrant.
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Lobbying Registrant.
	First Name	Required	Enter the first name of Lobbying Registrant. This field is required.
	Middle Name	Optional	Enter the middle name of Lobbying Registrant.
	Last Name	Required	Enter the last name of Lobbying Registrant. This field is required.

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	Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Lobbying Registrant.
	Street 1	Required	Enter the first line of street address for the Lobbying Registrant.
	Street 2	Optional	Enter the second line of street address for the Lobbying Registrant.
	City	Required	Enter the city of the Lobbying Registrant.
	State	Required	Select the appropriate state of the Lobbying Registrant.
	ZIP Code	Required	Enter the Zip Code (or ZIP+4) of the Lobbying Registrant.
10.b.	Individual Performing Services	Required	Provide the information for Individual Performing Services
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Individual Performing Services.
	First Name	Required	Enter the first name of the Individual Performing Services. This field is required.
	Middle Name	Optional	Enter the middle name of the Individual Performing Services.
	Last Name	Required	Enter the last name of the Individual Performing Services. This field is required.

Field Number	Field Name	Required or Optional	Information
	Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Individual Performing Services.
	Street 1	Required	Enter the first line of street address for the Individual Performing Services.
	Street 2	Optional	Enter the second line of street address for the Individual Performing Services.

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	City	Required	Enter the city of the Individual Performing Services.
	State	Required	Select the state for the address of the Individual Performing Services from this pull down menu.
	ZIP Code	Required	Enter the Zip Code (or ZIP+4) of the Individual Performing Services.
11.	Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	N/A	N/A
	Signature:	Required	Completed by Grants.gov upon submission.
	Name:	Required	Provide the information for the Name of the Certifying Official.
<b>Field Number</b>	<b>Field Name</b>	<b>Required or Optional</b>	<b>Information</b>
	Prefix	Optional	Enter the prefix (e.g., Mr., Mrs., Miss), if appropriate, for the Certifying Official.
	First Name	Required	Enter the first name of Certifying Official. This field is required.

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Middle Name	Optional	Enter the middle name of the Certifying Official.
Last Name	Required	Enter the last name of the Certifying Official. This field is required.
Suffix	Optional	Enter the suffix (e.g., Jr. Sr., PhD), if appropriate, for the Certifying Official.
Title:	Optional	Enter the title of the Certifying Official.
Telephone No.:	Optional	Enter the telephone number of the certifying official.
Date:	Required	Completed by Grants.gov upon submission.

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OMB Number: 4040-0013 7

OMB Expiration Date: 02/28/2022

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Approved by OMB

0348-0046

**Disclosure of Lobbying Activities**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

<b>10. Type of Federal Action:</b> a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>11. Status of Federal Action:</b> a. bid/offer/application ____ b. initial award c. post-award	<b>12. Report Type:</b> a. initial filing ____ b. material change  <b>For material change only:</b> Year ____ quarter ____ Date of last report ____
<b>13. Name and Address of Reporting Entity:</b> ____ Prime      ____ Subawardee Tier ____, if Known:       <b>Congressional District, if known:</b>	<b>14. If Reporting Entity in No. 4 is Subawardee,</b> Enter Name and Address of Prime:       <b>Congressional District, if known:</b>	
<b>15. Federal Department/Agency:</b>       	<b>16. Federal Program Name/Description:</b>    CFDA Number, if applicable: ____	
<b>17. Federal Action Number, if known:</b>    	<b>18. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> <i>(if individual, last name, first name, MI):</i>	<b>b. Individuals Performing Services</b> <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	

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<p><b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p><b>Signature:</b> _____</p> <p><b>Print Name:</b> _____</p> <p><b>Title:</b> _____</p> <p><b>Telephone No.:</b> _____</p> <p><b>Date:</b> _____</p>
<b>Federal Use Only</b>	<p>Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)</p>

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**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503



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**APPENDIX D**

**Federal Funding Accountability and Transparency Act (FFATA) Certification**

**A. Certification Regarding Percent (%) of Annual Gross from Federal Awards:**

Did your organization receive 80% or more of its annual gross revenue from federal awards during the preceding fiscal year?

- ☐ Yes If yes, continue to question B.  
☐ No If no, questionnaire is complete. Please sign section E. Thank you!

**B. Certification Regarding Amount of Annual Gross from Federal Awards:**

Did your organization receive \$25 million or more in annual gross revenues from federal awards in the preceding fiscal year?

- ☐ Yes If yes, continue to question C.  
☐ No If no, questionnaire is complete. Please sign section E. Thank you!

**C. Certification Regarding Public Access to Compensation Information.**

Does the public have access to information about the highly compensated officers/senior executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

- ☐ Yes If yes, questionnaire is complete. Please sign section E. Thank you!  
☐ No If yes, continue to question D.

**D. Top Executive Disclosure Requirements:** Provide the names and total compensation of the top five most highly compensated officers/senior executives for the preceding fiscal year below. Please see 2 CFR Pt. 170, including its Appendix A for guidance. After completing Section D, please sign section E. Thank you!

	Name of Executive	Annual Compensation
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$

**E. Signatures:**

As the duly authorized representative (Signor) of the Contractor/Grantee, I hereby represent and warrant that the statements made by me in this certification form are true, complete, and correct to the best of my knowledge and are consistent with FFATA (31 USC § 6101 note), as amended, and its implementing regulations including 2 CFR Part 170. I further represent and warrant that I will provide THECB with any and all information which may be further needed for THECB to accurately report to the federal government pursuant to FFATA.

Signature:	
Printed Name:	
Title:	
DUNS Number:	
City in which services will be performed:	
State in which services will be performed:	
Zip Code in which services will be performed:	

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**APPENDIX E**

**Certification of Compliance with Section 504 (Rehabilitation Act of 1973),  
ADA Title II, and Implementing Regulations**

The undersigned certifies that buildings and facilities used by the institution's students comply with the federal accessibility standard applicable to the age of each building and facility and that, if a building or facility is found to be noncompliant with the applicable standard, the building or facility will be brought into compliance with the 2010 ADA Standards for Accessible Design (28 CFR Sec. 35.151; 34 CFR Sec. 104.22, 104.23).

**A. Clearances, Reach Ranges, and Ground Space**

Do the institution's clearances, reach ranges, and ground space comply with applicable accessibility standards, including floor or ground surfaces, changes in level, turning space for wheelchairs, knee and toe clearance, dimensions for protruding objects, and accessibility of operable parts?

- ☐ Yes  
☐ No

**B. Accessible Routes, General Site Elements, and Building Elements**

Do the institution's accessible routes, general site elements, and related building elements comply with applicable accessibility standards, including walking surfaces; doors, doorways, and gates; ramps and curb ramps; elevators; and platform lifts; parking spaces; passenger loading zones; stairways; and handrails?

- ☐ Yes  
☐ No

**C. Plumbing Elements and Facilities**

Do the institution's plumbing elements and facilities comply with applicable accessibility standards, including drinking fountains; toilets, toilet compartments, and bathing rooms; urinals; lavatories and sinks; bathtubs and shower compartments; grab bars; seats; and washing machines and clothes dryers?

- ☐ Yes  
☐ No

**D. Communications Elements and Features**

Do the institution's communications elements and features comply with applicable accessibility standards, including fire alarm systems, signs, telephones, detectable warnings, assistive listening systems, ATM and fare machines, and two-way communication systems?

- ☐ Yes  
☐ No

**E. Special Rooms, Spaces, and Built-In Elements**

Do the institution's special rooms, spaces, and elements comply with applicable accessibility standards, including auditoria wheelchair spaces, companions seats, and designated aisle seats; dressing and locker rooms; kitchens and kitchenettes; residential dwelling units; campus transportation services; dining and work surfaces; and check-out aisles and sales/service counters?

- ☐ Yes  
☐ No

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**F. Recreation Facilities**

Do recreation facilities used by the institution's students comply with applicable accessibility standards, including gyms and exercise machines/equipment; and swimming pools, wading pools, and spas or sauna rooms?

- ☐ Yes  
☐ No

If the institution has answered No to any question above, explain in detail below and describe steps being taken to bring the feature, area, element, or facility into compliance. Add additional pages if needed.

Areas of identified noncompliance and steps taken:

**Signatures:**

As the duly authorized representative (Signor) of the Contractor/Grantee, I hereby represent and warrant that the statements made by me in this certification form are true, complete, and correct to the best of my knowledge and are consistent with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations at 34 C.F.R. Part 104 (Section 504) and with Title II of the Americans with Disabilities Act of 1990 and its implementing regulations at 28 C.F.R. Part 35 (Title II). I further represent and warrant that I will provide THECB with any and all information which may be further needed for THECB to accurately report to the federal government pursuant to these statutes and regulations.

Signature:	
Printed Name:	
Title:	
Date:	

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**APPENDIX F  
COMPREHENSIVE LOCAL NEEDS ASSESSMENT**

Institutions conducted a comprehensive local needs assessment in FY 2021 related to career and technical education and reported the results of the needs assessment in the Local Application (Appendix G). Not less than once every two years, Applicants must update the comprehensive local needs assessment, as required under Section 134(c)(1)(B) of the Act.

Applicants may submit an updated CLNA for the current FY 2022 Application, but such submission is voluntary for FY 2022. An updated CLNA may be submitted to the [Perkins@highered.texas.gov](mailto:Perkins@highered.texas.gov) email address.

During FY 2022, Applicants must conduct a comprehensive local needs assessment in preparation for the FY 2023 Application.

The comprehensive local needs assessment shall include each of the following:

- (A) An evaluation of the performance of the students served by the eligible recipient with respect to State determined and local levels of performance established pursuant to section 113, including an evaluation of performance for special populations and each subgroup described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965.
- (B) A description of how career and technical education programs offered by the eligible recipient are—
  - (i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient; and
  - (ii) aligned to State, regional, Tribal, or local in-demand industry sectors or occupations identified by the State workforce development board described in section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111) (referred to in this section as the 'State board') or local workforce development board, including career pathways, where appropriate

-or-

designed to meet local education or economic needs not identified by State boards or local workforce development boards.
- (C) An evaluation of progress toward the implementation of career and technical education programs and programs of study.
- (D) A description of how the eligible recipient will improve recruitment, retention, and training of career and technical education teachers, faculty, specialized instructional support personnel, paraprofessionals, and career guidance and academic counselors, including individuals in groups underrepresented in such professions.
- (E) A description of progress toward implementation of equal access to high-quality career and technical education courses and programs of study for all students, including—
  - (i) strategies to overcome barriers that result in lower rates of access to, or performance gaps in, the courses and programs for special populations;
  - (ii) providing programs that are designed to enable special populations to meet the local levels of performance; and
  - (iii) 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.

**CONSULTATION:** In conducting the comprehensive needs assessment above and developing the Local Application described in Appendix F, each Applicant shall involve a diverse body of stakeholders, including, at a minimum—

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- (1) representatives of career and technical education programs in a local educational agency or educational service agency, including teachers, career guidance and academic counselors, principals and other school leaders, administrators, and specialized instructional support personnel and paraprofessionals;
- (2) representatives of career and technical education programs at postsecondary educational institutions, including faculty and administrators;
- (3) representatives of the State board or local workforce development boards and a range of local or regional businesses or industries;
- (4) parents and students;
- (5) representatives of special populations;
- (6) representatives of regional or local agencies serving out-of-school youth, homeless children and youth, and at-risk youth (as defined in section 1432 of the Elementary and Secondary Education Act of 1965);
- (7) representatives of Indian Tribes and Tribal organizations in the State, where applicable; and any other stakeholders that the eligible agency may require the eligible recipient to consult.

**CONTINUED CONSULTATION:** An eligible recipient receiving financial assistance under this part shall consult with stakeholders described in subsection (d) on an ongoing basis, as determined by the eligible agency. This may include consultation in order to—

- (1) provide input on annual updates to the comprehensive needs assessment required under subsection (c)(1)(B) *[Institutions must consult stakeholders again for update prior to third year.]*;
- (2) ensure programs of study are—
  - (A) responsive to community employment needs;
  - (B) aligned with employment priorities in the State, regional, tribal, or local economy identified by employers and the entities described in subsection(d), which may include in-demand industry sectors or occupations identified by the local workforce development board;
  - (C) informed by labor market information, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)(2)(C));
  - (D) designed to meet current, intermediate, or long-term labor market projections; and
  - (E) allow employer input, including input from industry or sector partnerships in the local area, where applicable, into the development and implementation of programs of study to ensure such programs of study align with skills required by local employment opportunities, including activities such as the identification of relevant standards, curriculum, industry-recognized credentials, and current technology and equipment;
- (3) identify and encourage opportunities for work-based learning; and
- (4) ensure funding under this part is used in a coordinated manner with other local resources.

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**APPENDIX G**  
**LOCAL APPLICATION**

Each Applicant shall submit a Local Application that addresses the specific requirements identified in The Perkins Act and the goals of *60x30TX* – Completion. The Local Application shall be consistent with the *Requirements for Uses of Funds (Appendix K)*.

The Local Application shall include (1-10):

1. a description of the results of the comprehensive needs assessment conducted under Appendix F;
2. information on the career and technical education course offerings and activities that the eligible recipient will provide with funds under this part, which shall include not less than 1 program of study approved by a State under section 124(b)(2), including—
  - (A) how the results of the comprehensive needs assessment described in Appendix F informed the selection of the specific career and technical education programs and activities selected to be funded;
  - (B) a description of any new programs of study the eligible recipient will develop and submit to the State for approval; and
  - (C) how students, including students who are members of special populations, will learn about their school's career and technical education course offerings and whether each course is part of a career and technical education program of study;
3. a description of how the eligible recipient, in collaboration with local workforce development boards and other local workforce agencies, one-stop delivery systems described in section 121(e)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3151(e)(2)), and other partners, will provide—
  - (A) career exploration and career development coursework, activities, or services;
  - (B) career information on employment opportunities that incorporate the most up-to-date information on high-skill, high-wage, or in-demand industry sectors or occupations, as determined by the comprehensive needs assessment described in Appendix F; and
  - (C) an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program;
4. a description of how the eligible recipient will improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of coherent and rigorous content aligned with challenging academic standards and relevant career and technical education programs to ensure learning in the subjects that constitute a well-rounded education (as defined in section 8101 of the Elementary and Secondary Education Act of 1965);
5. a description of how the eligible recipient will—
  - (A) provide activities to prepare special populations for high-skill, high-wage, or in-demand industry sectors or occupations that will lead to self-sufficiency;

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- (B) prepare CTE participants for non-traditional fields;
  - (C) provide equal access for special populations to career and technical education courses, programs, and programs of study; and
  - (D) ensure that members of special populations will not be discriminated against on the basis of their status as members of special populations;
6. a description of the work-based learning opportunities that the eligible recipient will provide to students participating in career and technical education programs and how the recipient will work with representatives from employers to develop or expand work-based learning opportunities for career and technical education students, as applicable;
  7. a description of how the eligible recipient will provide students participating in career and technical education programs with the opportunity to gain postsecondary credit while still attending high school, such as through dual or concurrent enrollment programs or early college high school, as practicable;
  8. a description of how the eligible recipient will coordinate with the eligible agency and institutions of higher education to support the recruitment, preparation, retention, and training, including professional development, of teachers, faculty, administrators, and specialized instructional support personnel and paraprofessionals who meet applicable State certification and licensure requirements (including any requirements met through alternative routes to certification), including individuals from groups underrepresented in the teaching profession; and
  9. a description of how the eligible recipient will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions such recipient will take to eliminate those disparities or gaps.
  10. In addition to the nine items above, this Application must also describe how the activities set forth herein will contribute GOAL TWO: COMPLETION of the state's [60x30TX](#) Higher Education Plan.

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**APPENDIX H  
PERFORMANCE IMPROVEMENT/EVALUATION PLAN SAMPLE**

**Perkins Core Indicator 3P1: Nontraditional Program Enrollment**

The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

Numerator: Number of CTE Concentrators from underrepresented gender groups who are enrolled in a CTE program that leads to non-traditional field.

Denominator: Number of CTE concentrators enrolled in a program that leads to employment in nontraditional fields during the reporting year.

Actual Institutional Performance Compared to State Targets by Program Year											
Institution	2018-2019			2019-2020			2020-2021			2021-2022	
	Actual [1]	Target	90%	Actual [2]	Target	90%	Actual [3]	Target	90%	Target	90%
State Performance/Target	16.70%	N/A	N/A	16.96%	N/A	N/A		N/A	N/A	17.00%	15.30%
Sample Institution	15.03%	N/A	N/A	18.18%	N/A	N/A		N/A	N/A		
Source: CBM001, CBM002, CBM009      Reporting Year: [1] 2017-2018, [2] 2018-2019, [3] data is not yet available											
2021-2022 State Target met?: TBD    90% met?: TBD    90% met at least once in last 3 years?: TBD											

**Performance Improvement Plan**

*Summary of Plan for 2021-2022.*

Following completion of its CLNA, the College has developed a plan comprising four major efforts: (1) targeting high-enrollment CTE certificate and degree programs that show the greatest potential for recruiting, retaining and graduating under-represented gender groups in nontraditional fields; (2) providing group counseling and advising to under-represented students in those targeted programs; (3) providing specific support services that have been shown to be effective in ensuring the students' attendance and progression; and (4) enhancing the knowledge and skills of instructors and professional staff who work directly with students in nontraditional fields.

*Key CTE Programs and Activities Identified for 2021-2022.*

Welding Technology Program – This AAS program had the second largest CTE enrollment of women during the previous academic year and, in the College's CLNA and analysis of dual-credit offerings and other student support and outreach activities, the program showed the greatest potential to recruit and retain nontraditional students to degree completion. CLNA Goal VI.3.b.

Air Framing Program – This certificate program had a 25% increase in enrollment in the previous semester due, in part, to aggressive recruiting by women mentors at partnering high schools. As a result, women represented the majority of that increase through a pipeline created from the College's outreach efforts and dual credit offerings. CLNA Goal VI.3.b.

Student Counseling Services – The College's research has shown that individual and group counseling has been effective in retaining women in nontraditional degree programs. The College plans to expand these services by highlighting their availability and organizing orientation meetings with the campus counselor in targeted programs. CLNA Goal VI.3.d.

Bluebonnet Campus – The Special Populations counselor and targeted CTE programs will research, develop, implement, and evaluate a "best strategies" plan for retention of women in nontraditional programs.

*Specific Budget Items Requested for the 2021-2022 .*

Schedule A: The Special Populations Counselor (Bluebonnet Campus) will develop and lead a monthly support group for women enrolled in the Automotive Technology, Welding and Air Framing Programs (10% time @ \$5,000) – Research shows that women's support groups have been successful in retaining women in certain CTE fields. Retention was found to be an issue of particular concern in the CLNA analysis.

Schedule B: The Special Populations Counselor (Bluebonnet Campus) will attend Women on the Assembly Line Workforce Conference in Detroit, Michigan, October 15-17, 2022 (\$1,800) – the conference agenda includes presentations and breakout sessions on retention issues. Retention was found to be an issue of particular concern in the CLNA analysis.

Schedule F: Child Care Vouchers (\$30,500, representing an estimated 122 vouchers @\$250) – the College has compiled data during its CLNA process that shows these vouchers are effective in helping under-represented gender students persist in CTE programs.



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<b>Evaluation Plan</b>		
<b>Activities/Strategies</b>	<b>Timeline Planned</b>	<b>Target Measures</b>
1. Bluebonnet Campus -The Special Populations Counselor will hold monthly support group meetings for women enrolled in the Welding and Air Framing programs.	9/1/2021 - 2/15//2022  2/15/2022 – 5/31/2022	85% of women attending half or more of the support group meetings will persist from the first to the second semester of the program.  85% of women attending half or more of the support group meetings will finish the second semester.
2. Bluebonnet Campus - Special Populations Counselor and instructors in targeted programs will implement an action plan of researched "best strategies" to retain women and evaluate the success of the strategies in that plan.	9/1/2021 - 12/31/2021  1/1/2022 - 8/31/2022	Action plan will be developed during fall semester, with implementation beginning during fall.  100% of the action plan's strategies will be implemented and evaluated by August 31, 2022.
2a. Bluebonnet Campus - Special Populations Counselor and instructors in targeted programs will implement an action plan of researched "best practices" for retaining women in nontraditional fields.	9/1/2021 - 10/31/2021	100% of identified strategies implemented.
2b. Bluebonnet Campus - Special Populations Counselor and instructors will evaluate strategies in the action plan through retention data and student surveys.	1/1/2022 - 7/31/2022	5% increase over the previous year in the number of women progressing from the first to the second semester.  50% of surveyed nontraditional students will report that one or more strategies are "effective" or "very effective" in helping them to stay in the program.
2c. Special Population Counselor and CTE instructors will use retention data and student feedback to determine and apply criteria for implementing strategies in other nontraditional programs.	8/1/2022 - 8/31/2022	Five faculty members in nontraditional programs will receive professional development on incorporating transferrable strategies into their programs.
3. Cactus Campus - The Student Services Center will track students who have received child-care vouchers for each semester during the Grant Period.	9/1/2021 - 5/31/2022  6/1/2022 - 8/31/2022	90% of students receiving more than three child care vouchers during the fall semester will <u>persist</u> or <u>complete</u> the program in the spring semester. Persistence will be measured for biannual report.  90% of students receiving more than three child care vouchers during the spring semester will persist or complete the program in the summer semesters or re-enroll for the fall semester.

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**APPENDIX I  
PERKINS V CORE INDICATORS OF PERFORMANCE AND STATE TARGETS**

Under the requirements of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), states must establish levels of performance for each of the core indicators of performance with input from local recipients. Performance levels are established for each of the four years covered by the State Plan at the time of the Plan's initial submission. State-determined core indicator performance levels are approved as part of the State Plan upon determination by the Secretary of Education that they meet the statutory requirements for approval. Prior to the third year of the approved State Plan, states may revise their performance levels for any of the core indicators for subsequent years. Revised levels must meet all requirements for initial approval as well as specific requirements for revision.

Under Perkins V, states are required to submit their core indicator performance data to the United States Department of Education, Office of Career, Technical, and Adult Education (OCTAE) via their Consolidated Annual Reports (CAR). A state not meeting a state-determined core indicator target within 90% of the approved target must develop and implement a program performance improvement plan. If a state fails to implement an improvement plan or fails to improve performance on one or more core indicators, the Secretary may, with notice and after opportunity for due process, withhold all, or a portion, of a state's allotment.

In like manner, Applicants are required under Perkins V to meet each state-determined core indicator target within 90% of the approved target. The THECB will require that Awarded Applicants not meeting one or more core indicator targets submit a performance improvement plan. The THECB may, with notice and opportunity for due process, withhold all, or a portion, of an Awarded Applicant's allotment if the Applicant fails to implement an improvement plan or fails to improve core indicator performance.

**Federal Postsecondary Student Definitions**

Perkins V defines the term "CTE Concentrator" as shown below.

**CTE Concentrator:** 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.

Please note that continuing education students earning certificates and licensures are included in the definition of concentrator. However, the definition of concentrator does not include personal enrichment classes because they are not state funded and not reported to the THECB.

**Federal Core Indicators of Performance and State Targets**

The federal core indicators of performance for career and technical education at the postsecondary level, described in section 113(b)(2)(B) of the Perkins Act, are shown below. State-determined targets for each core indicator may be revised prior to the third year under the approved State Plan for subsequent years of the Plan.

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**1P1: Postsecondary Retention and Placement.** The percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are placed or retained in employment.

*Numerator:* Number of CTE Concentrators who, in the 2nd quarter after completion (4th quarter/Fall), are found:

- 1) enrolled in a higher education institution in TX;
- 2) employed in TX;
- 3) in advanced training;
- 4) in the military; or
- 5) in a service program.

*Denominator:* Number of CTE Concentrators who earn a credential or exit an institution (are not found in that institution/district in the Fall of the next year).

**1P1 State-Determined Performance Levels (SDPL)**

<b>Program Year</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>	<b>2023-2024</b>
<b>SDPL</b>	83.00%	83.20%	83.40%	83.60%
<b>90% of SDPL</b>	74.70%	74.88%	75.06%	75.24%

**2P1: Earned Recognized Postsecondary Credential.** The percentage of CTE concentrators who receive a recognized postsecondary credential during participation in or within 1 year of program completion.\*

\*This means that a student gets counted under this indicator whether the student obtains the credential during participation or in the year following that student's completion of the program.

*Numerator:* Number of CTE Concentrators who, within the fiscal year or one year after:

- 1) earn a certificate or degree;
- 2) earn certificate of completion of apprenticeship;
- 3) pass a state-recognized licensure exam; or
- 4) pass an industry-recognized certification exam.

*Denominator:* Number of CTE Concentrators who earn a credential or exit an institution (are not found in that institution in the Fall of the next year).

**2P1 State-Determined Performance Levels (SDPL)**

<b>Program Year</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>	<b>2023-2024</b>
<b>SDPL</b>	50.80%	51.00%	51.20%	51.40%
<b>90% of SDPL</b>	45.72%	45.90%	46.08%	46.26%

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**3P1: Non-Traditional Program Enrollment.** The percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields.

*Numerator:* Number of CTE Concentrators from underrepresented gender groups who are enrolled in a CTE program that leads to non-traditional field.

*Denominator:* Number of CTE concentrators enrolled in a program that leads to employment in nontraditional fields during the reporting year.

**3P1 State-Determined Performance Levels (SDPL)**

<b>Program Year</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>	<b>2023-2024</b>
<b>SDPL</b>	17.00%	17.10%	17.20%	17.30%
<b>90% of SDPL</b>	15.30%	15.39%	15.48%	15.57%

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**APPENDIX J**  
**REPORTING REQUIREMENTS**

The Awarded Applicant shall submit a Biannual Report, Final Report, a minimum of four Expenditure Reports, and a Property Inventory and Disposition Report to the THECB for the Grant Period.

All reports, with the exception of the Property Inventory and Disposition Report, shall be submitted via the Perkins Portal at [THECB - Perkins Grants Web Applications \(state.tx.us\)](https://state.tx.us/theccb/perkins-grants-web-applications).

Failure to submit reports in a timely manner is a risk factor for desk review or site visits, may result in the withholding of fiscal reimbursements, and will influence the Awarded Applicant's eligibility for future Grant Awards. Continued failure to submit reports and reimbursement requests and failure to meet commitments made in the Performance Improvement/Evaluation Plans may require the THECB to terminate the Grant for non-performance.

**Biannual and Final Reports:** The Awarded Applicant shall submit a Biannual and Final Report that documents the implementation and outcomes of the Performance Improvement/Evaluation Plan for each core indicator. Reports shall provide data for each target measure in the Evaluation Plan that demonstrates the Awarded Applicant's success or progress toward meeting the target measure. Target measures that are not met shall be addressed through discussion of causes and, as relevant, alternative approaches. Reports must indicate clearly that Results/Comments are **Biannual** or **Final**, with a line skipped (two hard returns) between the two. Both reports shall appear in the final report. **If a report due date falls on a holiday or weekend, the Awarded Applicant shall submit the report on the first working day following the holiday or weekend.**

The reporting schedule:

<u>Report</u>	<u>For Period Ending</u>	<u>Report Due Date</u>
Biannual	February 28, 2022	March 31, 2022
Final	August 31, 2022	September 30, 2022

**Expenditure Reports:** The Awarded Applicant's chief financial officer or authorized designee shall submit Expenditure Reports on Form CB 100 at any time during the Grant Period but at least quarterly. The final Expenditure Report shall include actual expenditures for the Grant Period and Form CB 320, detailing actual expenditures by activity for the Grant Period. The **Awarded Applicant will not be reimbursed for any expenditures submitted after October 14, 2022.**

The reporting schedule:

<u>Report</u>	<u>For Quarter Ending</u>	<u>Report Due Date</u>
First	November 30, 2021	January 7, 2022
Second	February 28, 2022	March 31, 2022
Third	May 31, 2022	June 30, 2022
Final	August 31, 2022	September 30, 2022

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**Property Inventory and Disposition Report:** The Awarded Applicant shall submit a Property Inventory and Disposition Report by September 30, 2022, to Perkins@THECB.state.tx.us. The report shall be a cumulative inventory of the following:

- All single capital equipment items purchased with Grant funds (valued according to federal cost policy (tangible property having an initial acquisition price of more than \$5,000 per unit and a useful life of more than one year) or by the Applicant's local capitalization policy, whichever is more stringent; and
- All single noncapital equipment items with an initial acquisition price of \$500 to \$4,999.

The Report shall include all items in the Awarded Applicant's possession and those discarded, sold, or transferred to another entity. Each entry on the inventory shall include the identification number, description of the property; acquisition date; acquisition cost; and location (if in the Awarded Applicant's possession).

Capital equipment shall additionally include disposition status and date (if not in the Awarded Applicant's possession).

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**APPENDIX K  
REQUIREMENTS FOR USES OF FUNDS**

Each Applicant that receives funds under Section 135 of The Perkins Act must use those funds to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in Appendix F.

**Requirements for Uses of Funds**

Funds made available to Applicants must be used to support career and technical education programs that are of sufficient size, scope, and quality to be effective, and that:

- (1) provide career exploration and career development activities through an organized, systematic framework designed to aid students, including in the middle grades, before enrolling and while participating in a career and technical education program, in making informed plans and decisions about future education and career opportunities and programs of study, which may include—
  - (A) introductory courses or activities focused on career exploration and career awareness, including non-traditional fields;
  - (B) readily available career and labor market information, including information on—
    - (i) occupational supply and demand;
    - (ii) educational requirements;
    - (iii) other information on careers aligned to State, local, or Tribal (as applicable) economic priorities; and
    - (iv) employment sectors;
  - (C) programs and activities related to the development of student graduation and career plans;
  - (D) career guidance and academic counselors that provide information on postsecondary education and career options;
  - (E) any other activity that advances knowledge of career opportunities and assists students in making informed decisions about future education and employment goals, including non-traditional fields; or
  - (F) providing students with strong experience in, and comprehensive understanding of, all aspects of an industry;
- (2) provide professional development for teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, which may include—
  - (A) professional development on supporting individualized academic and career and technical education instructional approaches, including the integration of academic and career and technical education standards and curricula;
  - (B) professional development on ensuring labor market information is used to inform the programs, guidance, and advisement offered to students, including information provided under section 15(e)(2)(C) of the Wagner-Peyser Act (29 U.S.C. 491-2(e)(2)(C));
  - (C) providing teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding of all aspects of an industry, including the latest workplace equipment, technologies, standards, and credentials;
  - (D) supporting school leaders and administrators in managing career and technical

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- education programs in the schools, institutions, or local educational agencies of such school leaders or administrators;
  - (E) supporting the implementation of strategies to improve student achievement and close gaps in student participation and performance in career and technical education programs;
  - (F) providing teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, principals, school leaders, or paraprofessionals, as appropriate, with opportunities to advance knowledge, skills, and understanding in pedagogical practices, including, to the extent the eligible recipient determines that such evidence is reasonably available, evidence-based pedagogical practices;
  - (G) training teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, or paraprofessionals, as appropriate, to provide appropriate accommodations for individuals with disabilities, and students with disabilities who are provided accommodations under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act;
  - (H) training teachers, faculty, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals in frameworks to effectively teach students, including a particular focus on students with disabilities and English learners, which may include universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support; or
  - (I) training for the effective use of community spaces that provide access to tools, technology, and knowledge for learners and entrepreneurs, such as makerspaces or libraries;
- (3) Provide within career and technical education the skills necessary to pursue careers in high-skill, high-wage, or in-demand industry sectors or occupations;
- (4) support integration of academic skills into career and technical education programs and programs of study to support—
- (A) CTE participants at the secondary school level in meeting the challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 by the State in which the eligible recipient is located; and
  - (B) CTE participants at the postsecondary level in achieving academic skills;
- (5) plan and carry out elements that support the implementation of career and technical education programs and programs of study and that result in increasing student achievement of the local levels of performance established under section 113, which may include—
- (A) a curriculum aligned with the requirements for a program of study;
  - (B) sustainable relationships among education, business and industry, and other community stakeholders, including industry or sector partnerships in the local area, where applicable, that are designed to facilitate the process of continuously updating and aligning programs of study with skills that are in demand in the State, regional, or local economy, and in collaboration with business outreach staff in one-stop centers, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), and other appropriate organizations, including



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- community-based and youth-serving organizations;
- (C) where appropriate, expanding opportunities for CTE concentrators to participate in accelerated learning programs (as described in section 4104(b)(3)(A)(i)(IV) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7114(b)(3)(A)(i)(IV)), including dual or concurrent enrollment programs, early college high schools, and the development or implementation of articulation agreements as part of a career and technical education program of study;
- (D) appropriate equipment, technology, and instructional materials (including support for library resources) aligned with business and industry needs, including machinery, testing equipment, tools, implements, hardware and software, and other new and emerging instructional materials;
- (E) a continuum of work-based learning opportunities, including simulated work environments;
- (F) industry-recognized certification examinations or other assessments leading toward a recognized postsecondary credential;
- (G) efforts to recruit and retain career and technical education program teachers, faculty, school leaders, administrators, specialized instructional support personnel, career guidance and academic counselors, and paraprofessionals;
- (H) where applicable, coordination with other education and workforce development programs and initiatives, including career pathways and sector partnerships developed under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and other Federal laws and initiatives that provide students with transition-related services, including the Individuals with Disabilities Education Act;
- (I) expanding opportunities for students to participate in distance career and technical education and blended-learning programs;
- (J) expanding opportunities for students to participate in competency-based education programs;
- (K) improving career guidance and academic counseling programs that assist students in making informed academic and career and technical education decisions, including academic and financial aid counseling;
- (L) supporting the integration of employability skills into career and technical education programs and programs of study, including through family and consumer science programs;
- (M) supporting programs and activities that increase access, student engagement, and success in science, technology, engineering, and mathematics fields (including computer science and architecture) for students who are members of groups underrepresented in such subject fields;
- (N) providing career and technical education, in a school or other educational setting, for adults or out-of-school youth to complete secondary school education or upgrade technical skills;
- (O) supporting career and technical student organizations, including student preparation for and participation in technical skills competitions aligned with career and technical education program standards and curricula;
- (P) making all forms of instructional content widely available, which may include use of open educational resources;
- (Q) supporting the integration of arts and design skills, when appropriate, into career and technical education programs and programs of study;
- (R) partnering with a qualified intermediary to improve training, the development of public-private partnerships, systems development, capacity-building, and

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- scalability of the delivery of high-quality career and technical education;
  - (S) support to reduce or eliminate out-of-pocket expenses for special populations participating in career and technical education, including those participating in dual or concurrent enrollment programs or early college high school programs, and supporting the costs associated with fees, transportation, child care, or mobility challenges for those special populations; or
  - (T) other activities to improve career and technical education programs; and
- (6) develop and implement evaluations of the activities carried out with funds under this part, including evaluations necessary to complete the comprehensive needs assessment required under section 134(c) and the local report required under section 113(b)(4)(B).

**Pooling Funds**

An Applicant may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in Item (2) above.

**Administrative Costs**

Each eligible recipient receiving funds under this part shall not use more than 5% of the funds for costs associated with the administration of activities under this section.

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**APPENDIX L  
CARL D. PERKINS GRANT COST GUIDELINES**

Funds must be expended for *reasonable and necessary costs* in conducting grant activities. *Reasonable* means a cost is consistent with prudent business practice and comparable to current market value. *Necessary* means the cost is essential for the Awarded Applicant to accomplish the objectives of the project. The Awarded Applicant must comply with the applicable Federal Cost Principles in expending grant funds. See the last section of this appendix for a link to Federal Cost Principles.

This appendix addresses certain specific costs only and is not intended to be all-inclusive.

**Advertisements**

Advertisements are allowed for recruiting grant personnel only as long as the advertisement is *not* in color and not excessively large.

Advertisements are allowed for communication with the public and press when the costs are considered necessary as part of the outreach effort for the grant.

**Advisory Council**

An advisory council may be funded under the grant program. Only the following types of advisory councils are allowable:

- The advisory council includes representatives of business and industry (including small businesses), and to the extent possible, labor organizations, higher education representatives and faculty, administrators, representatives of special populations, CTE and academic teachers, students, and community partners;
- The role of the advisory council is to participate in the design, implementation and evaluation of CTE programs, including establishing effective programs and procedures to enable informed and effective participation in CTE programs.

**Alcoholic Beverages**

Alcoholic beverages are not allowable under any circumstances.

**Audit Fees**

Audit fees are allowable in accordance with the following:

- Audit fees and expenses are allowable only when the audit is required by and performed in accordance with 2 CFR §200.501; and
- Audit fees and expenses may not be charged as a direct cost when such audit-services costs are part of the Awarded Applicant's indirect cost pool.

**Awards for Recognition and Incentives for Participation**

Minimal-cost certificates, plaques, ribbons, small trophies, or instructionally related items to be used in the classroom (such as pens and pencils) are acceptable incentives for participation in program activities or awards for recognition.

The following items may be donated by others as awards for recognition and incentives for participation, but may NOT be purchased with grant funds:

- Gifts or items that appear to be gifts;
- Souvenirs, memorabilia, or promotional items, such as T-shirts, caps, tote bags, imprinted pens, and key chains;
- Door prizes, movie tickets, gift certificates, passes to amusement parks, and similar items; and
- Food of any kind (snacks, beverages, refreshments, meals, and so on).

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**Calendars and Calendaring Systems**

Calendaring systems to manage *personal* calendars – whether paper calendars, personal digital assistants (PDAs), or electronic or software calendars – are not allowable costs.

**Cellular Telephones for Personal Use**

A cellular telephone for personal use is not an allowable cost.

**Ceremonies, Banquets, or Celebrations**

Costs associated with ceremonies, banquets, or celebrations are not allowable.

**Conflict of Interest**

Any purchase or expenditure that would pose a conflict of interest, real or perceived, is not allowable.

**Construction, Remodeling, or Renovation**

These costs are not allowed unless specifically authorized in the authorizing program statute and unless specifically approved in the applicable grant application.

**Donations**

Donations to other organizations or to other units within the Awarded Applicant institution are not allowable.

**Employee Service Awards**

Employee service awards cannot be paid from grant funds.

**Entertainment, Recreation, Social Events**

Costs associated with any type of entertainment, recreation, or social event are not allowable.

**Field Trips**

Field trips may be funded for educational purposes that address specific CTE course and /or program-related outcomes. Field trips must be open to all students participating in the CTE course or program.

Costs for the field trip must be reasonable. Any entrance fees and transportation costs must be reasonable in comparison to the intended objectives of the trip.

**Unallowable Costs Related to Field Trips**

The following costs are not allowable:

- Field trips that supplant and do not supplement local or state expenditures or activities;
- Field trips that are not reasonable in cost or are not necessary to accomplish the objectives of the grant program; and
- Field trips during which more than 25% of the time is spent at the location is used for entertainment or recreation of field trip participants.

**Fines and Penalties**

Fines and penalties are not allowable.

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## **Food and Beverage Costs**

Expenditures on food must be *reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.*

### **Food Costs for Participant Meetings/Training**

Unless otherwise specified, a limited amount of funds may be expended on light meals for *participant meetings or training events under very limited circumstances.* The use of grant funds for this purpose is specifically limited to *light, working lunches* for participants when the working lunch is noted on an agenda, clearly described, and mandatory. The purpose of a working lunch should be to shorten the overall meeting or training time and to facilitate accomplishing the objectives of the meeting or training and the overall program.

A working or light meal described below is considered to be reasonable in cost when the cost of the meal including tax does not exceed \$20 per person; therefore, the Awarded Applicant will not be reimbursed for more than \$20 per person, including tax. Any amount over \$20 per person must be paid from other allowable funding sources. The \$20 per person does not include any *mandatory service fee or set-up fee.* Anything termed a gratuity or tip is not reimbursable.

Specifically, grant funds may be expended for the following costs, provided that the Awarded Applicant maintains adequate and sufficient documentation that the costs were necessary and reasonable to further the intent and objectives of the grant.

- **Light Meal during an All-Day Meeting or Training Session:** Light meal (not to exceed \$20 per person, including tax) for participants who are cloistered in an all-day (at least six-hour) meeting or training session. Awarded Applicant must document that it was impractical for participants to obtain meals on their own (for example, because of an isolated location or distance to eateries) and that their attendance at the meeting or training session was essential to accomplishing the objectives of the grant. Awarded Applicant must maintain an agenda that clearly identifies the topics discussed during the meeting or training session and the time allocated to each topic, including the meal period.
- **Working meal during an All-Day Meeting or Training Session:** Light meals during a working meeting (not to exceed \$20 per person, including tax). A working meal is defined as an activity in which staff or participants are engaged in exercises or activities during the normal mealtime. Awarded Applicant must maintain an agenda that shows that no other opportunity for a meal was provided and that clearly identifies the exercise or activity the participants were engaged in. Awarded Applicant should also retain a representative sample of the work product, if any, that was generated as a result of the working session.

No other food costs, including food and beverages for refreshments, breaks, or snacks, are permitted.

### **Allowable Food Costs for Parents and/or Students**

The following costs are allowable:

- Nutritional snacks for children in childcare while parents are participating in grant activities; and

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- Food necessary to conduct nutrition education programs for parents.

Full meals for parents or students are not allowable for these purposes under any circumstances. Expenditures must be reasonable in cost, necessary to accomplish program objectives, and an integral part of the instructional program.

### **Unallowable Food Costs**

The following costs are not allowable:

- Refreshments of any kind, including beverages, breaks, and snack foods, except as necessary for parental involvement activities to encourage attendance by parents;
- Refreshments or meals at an awards banquet or function;
- Any food costs that are not necessary to accomplish the objectives of the grant program;
- Any food cost associated with an event in which a guest speaker or other individual conducts a presentation and the participants are not actively engaged in performing activities; and
- Gratuities or tips.

### **Fundraising Activities**

Costs of organized fundraising, including solicitation of gifts and bequests, endowment drives, financial campaigns, and similar expenses incurred to raise capital or to obtain contributions are not allowable. Costs associated with attending or sponsoring training on fundraising are not allowable.

### **Gifts**

Gifts or items that appear to be gifts are not allowable.

### **Hosting or Sponsoring of Conferences**

Conferences may be hosted or sponsored under the grant program. Conferences must be managed to minimize cost to the grant award. The following types of conference are allowable:

- Professional development for CTE programs, or for the dissemination of technical information.

Hosting or sponsoring of conferences will require pre-authorization and justification. Please submit request to the THECB.

### **Legal Fees**

Legal fees and expenses are allowable only as necessary for the administration of the grant program. Retainer fees are not allowable costs. Legal expenses for claims against the federal or state government are not allowable.

### **Lobbying**

Any costs incurred for lobbying are not allowable.

### **Memberships**

Membership in business, technical, and professional organizations related to the grant program are allowable. Membership must be in the name of the Awarded Applicant and not in the name of an individual.

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Memberships in civic and community organizations and in organizations that are substantially engaged in lobbying are not allowable costs.

**Printing Costs**

Printing costs are allowable when they are reasonable and necessary. Any multi-color printing must be reasonable in cost and must be necessary to carry out the objectives of the grant program.

**Promotional Items, Memorabilia, and Souvenirs**

Promotional items, memorabilia, and souvenirs are not allowable costs.

**Salaries, Wages, and Employee Benefits**

Salaries and wages are allowable for personnel who work on the grant provided the appropriate time and effort reports are maintained in accordance with the applicable federal cost principles and submitted to the Awarded Applicant's accounting office to document charges to payroll. Benefits are allowable in the same proportion as salaries and wages. Time and effort reports must document staff's specific time on task in detail even if staff is 100% FTE Perkins-funded. Grant employees must show that time on task is CTE-related for allowability. Additionally, grant employees' recorded effort must align with Schedule A listed and approved job duties. Certification statements in lieu of Time and effort reports are not allowable.

**Social Events**

The costs associated with social events of any kind are not allowable.

**Training or Technical Assistance on Grant Writing**

Funds may not be used for training or technical assistance on grant writing or for costs associated with writing other grant applications.

**Transportation Costs**

The cost of transporting students (or parents, if appropriate for the particular grant program) to or from grant activities is an allowable expenditure.

**Travel Costs**

The Awarded Applicant shall have written policies and procedures for employees who travel on Perkins business and seek travel reimbursement with Perkins funds. Personnel are required to travel at the federal lodging and per diem rates or the Awarded Applicant's rates, whichever are more stringent. Employees may be reimbursed at the per diem rates or for actual costs not to exceed the per diem rates. At the institutional discretion, employees who exceed the per diem rates may be reimbursed for the difference with other non-federal funds that are available to the Awarded Applicant. Site-specific information on rates for in-state and out-of-state travel is available at the U.S. General Services Administration website at

<http://www.gsa.gov/portal/category/100120>.

Personnel shall be reimbursed for actual car mileage at the current rate established by the Texas Comptroller of Public Accounts (CPA) or at a rate established by the Awarded Applicant, whichever is more stringent. Information about the rate is available at the CPA website at <https://fm.x.cpa.state.tx.us/fm/travel/travelrates.php>.

**Out-of-State Travel**

Out-of-state travel costs are allowable under the grant program. Out-of-state travel costs should be minimal. Travel costs are allowable as long as the expenses for transportation,

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lodging, subsistence, and related items are only incurred by employees on official business of the grantee and follow the grantee's regular business operations and written travel policy.

Out-of-state travel will require pre-authorization and justification, as defined in Appendix N, Changes to Grant Plan or Budget.

**Allowable Travel Expenses**

The following travel expenses are allowable:

- **Mileage** reimbursement is allowable for travel necessary to carry out the objectives of the grant project. If institutional policy reimburses at a lower rate, the Awarded Applicant must claim that lower rate;
- **Airfare** is allowable at the lowest fare available;
- **Car rental** fee (at destination) is not allowable unless other transportation such as taxi or shuttle is not available for performing official business or unless car rental is more cost effective than alternate modes of travel. Gasoline for the rental car is allowable;
- **Airport parking** is allowable;
- **Taxi fares** for official business are allowable. Tips cannot be reimbursed;
- **Itemized miscellaneous business expenses** (such as business phone calls, printing, or materials) for carrying out official business of the meeting, conference, or workshop are allowable; and
- **Registration fees** to attend workshops or conferences are allowable. Social events or recreational events available at a cost above the basic registration fee may not be paid from grant funds.
- Awarded Applicant may claim less than the maximum meal reimbursement rate for a duty point and use the amount of the reduction to increase the maximum lodging reimbursement rate for the duty point. This is allowable for in-state and out-of-state travel.

**Travel Costs for Officials, such as Vice Presidents and Deans, and Administrative Assistants**

- Travel costs for executive officers (including the president, vice presidents, and deans) or administrative support staff may not be funded under the grant program.

**Unallowable Travel Expenses**

The following travel expenses are not allowable:

- Any travel expenses associated to **foreign travel**;
- First-class air fare;
- Per diem (meals and lodging) for meeting, conference, or workshop participants who live in the same city where the event is held (Automobile mileage is allowable.);
- Tips or gratuities of any kind;
- Alcoholic beverages;
- Entertainment, recreational, or social events;
- Any expense for other persons;
- Automobile mileage or taxi fares for other than official business;
- Personal accident insurance or personal effects coverage for rental cars; and



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- Rental car for personal use or for purposes not associated with the official business of the meeting, conference, or workshop.

**Travel Documentation**

Travel costs must be properly documented to be reimbursable. Travel costs not supported by proper documentation are not allowable grant charges and are subject to disallowance by state and federal auditors and monitors.

**Federal Cost Principles**

The applicable cost principles as established by the Federal Office of Management and Budget (OMB) are posted online at [eCFR — Code of Federal Regulations](#) and are as follows:

Type of Entity	Applicable Cost Principles
<ul style="list-style-type: none"><li>• Open-enrollment charter schools operated by an institution of higher education (i.e., college or university)</li><li>• Institutions of higher education (IHEs)</li></ul>	<a href="#">eCFR — Code of Federal Regulations</a> <a href="#">PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS</a>

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**APPENDIX M**  
**SUPPLEMENTING VERSUS SUPPLANTING**

Funding provided under the Perkins Act shall *supplement* (increase the level of services) and *not supplant* (take the place of) state, local, and other federal funds. Awarded Applicants shall not use Perkins funds to supplant funds that, in the absence of Perkins funds, would have been spent on CTE students.

Federal funds cannot be used to pay for services, staff, programs, or materials that would otherwise be paid with state or local funds.

Any program or activity required by State law, THECB rules, or local board policy may not be paid with Perkins funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of Perkins funds. Awarded Applicant shall maintain documentation that clearly demonstrates the supplementary nature of Perkins funds.

Presumption of supplanting

An Awarded Applicant may be considered in noncompliance with the supplement-not-supplant requirement if Perkins funds are used to provide services that the Awarded Applicant is required to provide under State or local law, rule, or a court order. Also, Awarded Applicant could be considered in noncompliance for any cost to Perkins funds for any service that was previously funded with State or local funds.

If a program or activity cost was funded with non-federal funds in one year and with Perkins funds the next year, an auditor would most likely make a presumption of supplanting. However, the Awarded Applicant then has the opportunity to rebut the presumption. In view of the current reductions in state appropriations and local tax revenues, an Awarded Applicant may be justified in funding the cost with Perkins funds.

For a decision to allocate Perkins funds in this way, the Awarded Applicant should have two types of documented evidence that supports its action:

1. Evidence of an actual reduction in state and/or local support and/or other non-federal support. Examples of such evidence are state appropriation language or a communication from the THECB regarding a reduction in state funding. There may be similar examples relating to reduced funding from local or private sources.
2. Proof that the activity/program would be discontinued without the benefit of Perkins funds. Examples of this type of evidence might be minutes from a meeting called by the college president or minutes from a faculty meeting.

The Awarded Applicant should have proper evidence in place before taking this kind of action. The THECB may request copies of the documented evidence (as described above) prior to approving a budget amendment that would reallocate Perkins funds to an activity or program previously funded by non-federal funds.

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**APPENDIX N  
CHANGES TO GRANT PLAN OR BUDGET**

The Awarded Applicant shall contact the THECB to notify staff of, or request changes to, the Grant. The nature or content of a proposed change determines whether the Awarded Applicant shall notify THECB staff by email or request a formal amendment via the Perkins Portal. All changes to the approved budget require advance notice. All costs incurred during the funding period must appear (a) in the approved budget or (b) in an email notice or formal amendment submitted *prior* to incurring a cost or undertaking a requested activity.

**Email Notification**

The Awarded Applicant shall email its designated THECB grant advisor at least 15 days prior to a change or action that:

1. resolves any potential conflict of interest that arises prior to or during the Grant Period;
2. changes one or more cost items *within* a Schedule that does not change the scope or activities of the Grant;
3. moves costs across Schedules A-F (except to or from Schedule C: Capital Expenditures and Equipment) that do not cumulatively exceed 10% of the total Grant Award; or
4. increases a cost item in Schedule D: Consultant and Service Contracts.

Minor variations from approved budget line items do not require email notice unless cost savings are to be re-purposed for expenditures not currently on the Awarded Applicant's approved budget.

**Formal Amendment via the Perkins Portal**

The Awarded Applicant shall submit a request for a formal amendment to the Grant via the Perkins Portal at <http://www.thecb.state.tx.us/Perkins/Portal> for any change that:

1. changes the scope, strategies, or timeline of a Performance Improvement/Evaluation Plan with or without a change to the budget;
2. changes one or more cost items *within* a Schedule that changes the scope or activities of the Grant ("activities" includes approved programmatic activities and Grant Activity Titles for approved budget line items);
3. moves costs across Schedules A-F that cumulatively exceed 10% of the total Grant Award;
4. changes any information or costs in Schedule C: Capital Expenditures and Equipment; or
5. temporarily or permanently reassigns any individual named on the Application Cover Page.

**A formal amendment that involves a change to a cost item shall include a justification for the change in the Budget Summary.**

**Formal Amendments submitted by an Awarded Applicant will not be reviewed by the THECB after July 1, 2022.**

**See Instructions for Budgetary Amendments on next page.**

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**Instructions for Budgetary Amendments**

1. The Perkins Portal system does not allow the deletion of line items within budget schedules. To remove or reduce a line item, indicate the change with a line item showing the amount to be subtracted from the schedule.
2. To increase a line item, use one of the following methods:
  - Subtract out the original line item and add a new line-item entry with updated information, including the increased line-item total; OR
  - Add a new line item for the amount of the increase only. It should be clear which original line item the increase applies to. Add updated information to explain the increase.
3. To add a new line item, follow the entry formats and examples given in Section 7.4: Budget.
4. Indicate the purpose of each line item in clear language: REMOVE, REDUCE, INCREASE, or ADD.

Sample Entries:

**Cost Category Schedule A: Salaries and Fringe Benefits**

<b>I. Activity</b>	<b>II. Title/Position</b>	<b>III. % of Time on Project</b>	<b>IV. Amount</b>
Special Populations	(A2) INCREASE: 3 additional PT interpreters to provide identified CTE special needs students with services. Total for interpreters: \$15,000 + \$10,000 = \$25,000. CLNA Goal I.2.c.	100 %	\$ 10,000
Special Populations	4 PT Interpreters to provide identified CTE special needs students with services. CLNA Goal I.2.d.	100 %	\$ 15,000

**Cost Category Schedule B: Travel**

<b>I. Activity</b>	<b>II. Title/Position</b>	<b>III. Purpose</b>	<b>IV. Amount</b>
Professional Development	(A2) Capson, INTD Coordinator	ADD: Capson, Interior Design Coordinator, will attend the NEOCON Conference from 11/5-8/2021 in Chicago, IL to obtain the latest development in designs and eco-designing as can be applied for course program instruction. Goal V.1.c.	\$ 2,000

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Professional Development	(A1) REMOVE: Avery, NRSG Coordinator	REMOVE: Avery, Nursing Coordinator, attending Texas Nurse Practitioners event in May 2022. Goal V.1.c.	\$ -1,000
Professional Development	Avery, NRSG Coordinator	Avery, Nursing Coordinator, will attend Texas Nurse Practitioners event in May 2022 to obtain information about program instruction and credentialing requirements. Goal V.1.c.	\$ 1,000

**Cost Category Schedule C: Capital Outlay/Equipment**

<b>I. Activity</b>	<b>II. Description</b>	<b>III. Amount</b>
Instructional Equipment	(A1) REDUCE: Cost savings for Tire Changer purchase for the Automotive Program. Original cost: \$10,000. Final cost: \$7,000. CLNA Goal II.1.a.	\$ -3,000
Instructional Equipment	(1) Tire Changer, including related accessories, is needed for classroom instruction, replacement of old equipment, and student use in the Automotive Program. CLNA Goal II.1.a.	\$ 10,000
	<b>OR</b>	
Instructional Equipment	(A1) REVISE: Cost savings for Tire Changer purchase for the Automotive Program. Original cost: \$10,000. Final cost: \$7,000. CLNA Goal II.1.a.	\$ 7,000
Instructional Equipment	(A1) REMOVE: Tire Changer purchase for the Automotive Program due to cost savings. CLNA Goal II.1.a.	\$ -10,000
Instructional Equipment	Tire Changer, including related accessories, is needed for classroom instruction, replacement of old equipment, and student use in the Automotive Program. CLNA Goal II.1.a.	\$ 10,000

**Cost Category Schedule F: Operating Expenses, Services, Books, and Supplies**

<b>I. Activity</b>	<b>II. Description</b>	<b>III. Amount</b>
Upgrade Curriculum	(A2) NEW: Scanners (2) are needed for student use, course instruction, and lab application in the Information Technology Systems Program. CLNA Goal II.1.a.	\$ 500
Other	(A1) INCREASE: Printed recruitment materials highlighting CTE programs. Original cost: \$2,000. Final cost: \$4,000. CLNA Goal VI.3.a.	\$ 2,000
Other	Printed recruitment materials highlighting CTE programs.	\$ 2,000