



June 25, 2018

The Honorable Lamar Alexander  
Chairman  
Health, Education, Labor and Pensions  
Committee  
U.S. Senate  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member  
Health, Education, Labor and Pensions  
Committee  
U.S. Senate  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the Association for Career and Technical Education (ACTE), the nation's largest not-for-profit organization dedicated to the advancement of education that prepares youth and adults for successful careers, and Advance CTE, representing the state and territory leaders of our nation's Career and Technical Education (CTE) system, we write to express our thoughts on the Senate's *Strengthening Career and Technical Education for the 21st Century Act*, a bill to reauthorize the Carl D. Perkins Career and Technical Education Act (Perkins). We greatly appreciate the focus of the Senate Health, Education, Labor and Pensions Committee on this reauthorization, and the hard work of committee Senators and their staffs to craft a bipartisan compromise.

Perkins is the principal federal investment in our nation's CTE system, and is one of the only federal programs that builds the capacity of secondary and postsecondary institutions to offer CTE programs that are academically rigorous and aligned to the needs of business and industry. Representing the state and local implementers of this law, we believe it is important to have a clear, coherent federal policy that vigilantly focuses on improving CTE programs around the country, and that seamlessly aligns planning, spending and accountability requirements to ensure all students have access to high-quality CTE. Our goals for reauthorization include streamlining current requirements to focus funding on the essential elements that drive CTE student achievement, and creating a framework in which state and local recipients have the flexibility to design programs and services to meet the unique, data-driven needs of their communities and every learner who chooses to participate in CTE. Below are five principles that we believe are crucial to the reauthorization and comments on how they relate to the Senate bill.

**Focus on CTE program quality:** It is important that the Act focus on the goal of increasing access to high-quality CTE programs of study that align with labor market needs, and emphasizes the activities that are directly related to this goal.

- **State plan:** The Senate bill clearly acknowledges the important role states, through their eligible agencies, have in leading the planning and implementation of this Act. We believe the Senate bill needs to streamline the state planning provisions in Section 122. Many new state plan requirements were added both in the House and Senate bills. Given how central the state plan is to the Senate bill's accountability provisions, it is important that the state plan be as focused and streamlined as possible.

- **State leadership activities:** The Senate bill directs eligible agencies in how to spend a portion of their leadership funds (Sections 112(a)(2) and 124(a)(1) and (2)). We believe that eligible agencies should be given full flexibility in how best to invest all of their leadership funds so that they can be aligned to the needs of each state's learners and employers.
- **Local application:** As mentioned above, one of our primary goals is to seamlessly align planning, spending and accountability systems to drive program improvement. We were pleased that the Senate bill maintained the local needs assessment as the center of this alignment. However, we are concerned that many new requirements were added in Section 134 over and above the needs assessment and essential information included in the House bill. The local application should be streamlined to reduce burden on eligible recipients and focus on the information included in the needs assessment as the primary driver of activities.
- **Local uses of funds:** Likewise, local uses of funds should also be tightly focused on the activities that are most closely related to CTE program quality and student achievement. We are concerned that the new definition of professional development, linked to the Every Student Succeeds Act (ESSA), will greatly expand the requirements for professional development under Perkins, applying many criteria that are not relevant to CTE programs and educators, particularly at the postsecondary level. In addition, changes made to the definition of an eligible institution could have the potential to greatly expand the uses of funds by allowing baccalaureate degree programs to be funded. We have been assured that this change was not intended, and look forward to working with the Committee to clarify.
- **Alignment not duplication:** Appropriate alignment with other federal laws to ensure coordination of resources has been one of our key priorities for reauthorization. However, in Sections 124 and 135, the Senate bill adds new uses of state and local funds that potentially duplicate investments made under the Workforce Innovation and Opportunity Act (WIOA), Individuals with Disabilities Education Act, Juvenile Justice and Delinquency Prevention Act, and several other federal programs. We believe that eligible agencies and eligible recipients should have the flexibility to determine how best to ensure this alignment and that Sections 122 and 124 should be updated to ensure the focus remains on coordination with other programs rather than potentially duplicating efforts across laws. In addition, we are concerned about allowing funding to be used to off-set out-of-pocket expenses in Section 135(b)(3). This is actually required in the Senate bill, but we understand that was not the intention. Even as an option however, it presents concerns. Perkins has always been focused on program improvement, it is not an individual benefit program. This shift has the potential of significantly diluting resources that ensure programs can meet the needs of all students, and is duplicative of other federal programs that cover those costs.
- **Innovation:** Driving innovation is an important element of Perkins and one we strongly support. We appreciate that the Senate bill increases the reserve fund from 10 to 15 percent, which is consistent with the House bill. However, the Senate should restore the House bill's focus of the reserve fund in Section 112(c) on innovation and programs of study to ensure more students have access to high-quality CTE programs of study.

**Expanded access for more learners to participate in CTE:**

- **Middle grades:** We appreciate the change made in Section 215 of the Senate bill to ensure that funds can be used for CTE in the middle grades. Over the last few years, there has been increased attention on exposing students to career opportunities early in their educational pathway, and this change will remove an arbitrary age requirement for students to benefit from these activities under Perkins.
- **Authorization levels:** To ensure that all learners who wish to participate in CTE have access to high-quality CTE programs of study, additional investments are needed. In Section 9, the Senate bill provides an authorization amount for FY19 that is above the amount Congress provided in FY18, but below the amount proposed in the House Labor, Health and Human Services, Education and Related Agencies

appropriations bill for FY19. We urge the Senate to include an authorization level for FY19 that is at least the amount that is included in the House appropriations bill. Now more than ever, the federal investment in CTE needs to be strengthened and the Senate bill should authorize doubling the investment by FY24.

**Strike the right balance for accountability by measuring the right things and collecting the right data to drive program quality and improvement and ensure equitable access:**

The accountability requirements proposed in the Senate bill include a number of provisions that cause significant concerns related to implementation. Committee staff have indicated their willingness to work with us to resolve these concerns between markup and the floor, ensuring a smooth transition to a new accountability framework that results in useful data to drive CTE program quality and learner outcomes.

- **State determined levels of performance:** In Section 113, the Senate bill includes new processes and provisions for setting targets for the core indicators of performance and revising those targets. We have heard from CTE leaders across the country that they have questions about these new processes and provisions and how they would functionally operate during implementation. Given this, we believe these processes and provisions should be reviewed and clarified to ensure that they provide the proper guidance to eligible agencies and eligible recipients about how to implement them. In addition, criteria at the state and local level that require continuous improvement or other consistent increases in targets should be eliminated, following the House bill's lead. There are many circumstances in which a decrease in numerical performance levels may not represent an actual decrease in the quality of the program, but instead might be reflective of changes in program offerings, students populations served, economic conditions, or changes to address data quality issues.
- **Disaggregation of data:** We support and advocated for the Senate's efforts to disaggregate performance data and to examine achievement gaps between subpopulations, as well as the addition of the local needs assessment. These are new and expanded responsibilities that the CTE community requested as a way of focusing data to drive program improvement and ensure equity and access.
- **Improved access to data:** We support the amendments to the Wagner-Peyser Act in Title III, which will ensure that state and local CTE educators have the data they need to provide relevant employment information to the students they serve.
- **Secondary CTE concentrator definition:** In Section 3, the Senate bill removes the problematic second clause of the House bill's secondary CTE concentrator definition. However, we have heard from CTE leaders that the first clause (students enrolled in a sequence of at least two CTE courses in the same program or program of study) also poses significant concerns. Therefore, our recommendation is to revert back to the definition in current non-regulatory guidance: *"A secondary student who has earned three (3) or more credits in a single CTE program area (e.g., healthcare or business services), or two (2) credits in a single CTE program area, but only in those program areas where 2 credit sequences at the secondary level are recognized by the State and/or its local eligible recipients."*
- **Performance indicators:** The proposed Senate bill follows the House's lead by streamlining measures, but we remain concerned about several of the indicators included. First, placement measures have been separated to place education and workforce outcomes in competition with one another at both the secondary and postsecondary level, rather than being wrapped into a single positive placement measure. We understand from Committee staff that this was not the intention and will be working with them closely to address this issue. In addition, we remain concerned about the disaggregation for the "placement in further education" indicator, and about the inclusion of additional detail in both placement measures that reduces alignment with WIOA metrics. Clarification is also still needed around the secondary quality indicator to ensure that eligible agencies use the measure they select consistently across all programs.

- **Subsequent action:** We are concerned that timelines presented in Section 123 will not allow time for eligible agencies or eligible recipients to make changes to low-performing programs before the potential of losing funds is presented. This section should be revisited considering the timelines of data collection and reporting to ensure that eligible agencies or eligible recipients have an opportunity to address concerns before being sanctioned.

**Ensure meaningful stakeholder engagement:**

- **Stakeholder input:** We believe that state plans and local applications should reflect stakeholder input and that eligible agencies and eligible recipients are best positioned to know how to effectively and efficiently gather useful input, as well as know how to best to engage with their stakeholders in the law’s ongoing implementation. The federal law should not dictate processes or timelines for stakeholder input that may conflict with a state’s own laws, policies and/or processes. In addition, Perkins has long held to a tradition of states’ rights, granting states the flexibility to determine which entity should have governing authority over CTE and this federal investment. This bill allows for continuation of this policy, which we support. We do not, however, believe the Senate bill should specify a more defined role and process for engaging some stakeholders over others. CTE sits at the intersection of workforce development, secondary education and postsecondary education. Therefore, there must be a balanced alignment with the interests of both WIOA and ESSA, as well as coordination with the state leaders with responsibility over these other federal state plans.

**Ensure a strong research function that supports states and locals:**

- **National activities:** A strong research function, led by the U.S. Department of Education with input from the field, is essential to ensuring that CTE programs reflect evidence-based policies and practices and continue to evolve to best meet the needs of students and other stakeholders. The Senate bill maintains a focus on independent research, driven by the expertise of institutions of higher education and other stakeholders. However, we are concerned about the lack of clarity between the evaluation activities and research activities outlined in Section 114. Both Section 114(d)(2) and Section 114(d)(3) should be revisited to ensure aligned, but not duplicative, work between the evaluation projects and research projects, and clear purposes for each section. We are also concerned that the new innovation and modernization fund is too broad to be effective at truly identifying best practices and should be revisited.

Thank you for your consideration of these thoughts. This longstanding education program has had a 100-year history of bipartisan support and continues to be a critical investment that drives innovation and advancement of our nation’s CTE programs. We look forward to continuing to work with the Senate to improve the bill to address the needs of both the CTE system and the students it serves, as well as the growing need for skilled workers across the entire country.

Sincerely,



LeAnn Wilson  
Executive Director  
ACTE



Kimberly A. Green  
Executive Director  
Advance CTE