

May 15, 2017

Rep. Virginia Foxx
Chairwoman
U.S. House Committee on Education and
the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

Rep. Bobby Scott
Ranking Member
U.S. House Committee on Education and
the Workforce
2101 Rayburn House Office Building
Washington, DC 20515

Rep. Glenn “GT” Thompson
124 Cannon House Office Building
Washington, DC 20515

Rep. Raja Krishnamoorthi
515 Cannon House Office Building
Washington, DC 20515

Dear Chairwoman Foxx, Ranking Member Scott, Rep. Thompson, and Rep. Krishnamoorthi:

The Center for Law and Social Policy (CLASP) is writing to express our concerns and comments on **H.R. 2353, “The Strengthening Career and Technical Education for the 21st Century Act,”** introduced by Reps. Thompson and Krishnamoorthi on May 4, 2017. This bill is very similar to one of the same name that was passed in the House in the 114th Congress (H.R. 5587). CLASP is a national non-profit organization that promotes policies to improve the economic security of low-income people and create pathways to education and work. Our comments today build on our July 5, 2016 [letter](#) on last year’s legislation.

We are concerned that H.R. 2353 includes flawed language to roll back federal authority to hold state postsecondary and secondary systems accountable for performance, which threatens to exacerbate achievement gaps suffered by marginalized populations. While this bill contains several important reforms to the Perkins Act – including provisions that we strongly support to improve CTE systems’ alignment with the workforce development systems funded by the federal Workforce Innovation and Opportunity Act (WIOA) – because of the rollback on federal accountability, this bill is a deficient compromise in urgent need of improvement.

Accountability in education is a significant civil rights issue and federal oversight is crucial. The federal role in education program accountability is under attack from multiple angles, including the recent repeal of regulations promulgated to implement the Every Student Succeeds Act (ESSA) using the Congressional Review Act (CRA). We are gravely concerned about H.R. 2353’s proposed removal of federal sanctions in Section 122, which represents a significant rollback of current accountability policy. Under current law, states failing to meet at least 90 percent of their targeted performance levels are required to implement program improvement plans – and those plans must give “special consideration to performance gaps” for the “special populations” defined in the law and other marginalized groups. H.R. 2353 changes current law to delete the provision for federal sanctions on states that do not improve their performance or implement the plan that takes into account marginalized groups.

In addition, under the current Perkins law (and under WIOA), federal agencies negotiate goals with states and hold them accountable for meeting these goals with sanctions, to ensure that federal investment is used to support student outcomes. Under H.R. 2353 as drafted, states would set their own goals without

any input from the U.S. Department of Education, and the Perkins Act would no longer provide a role for the Department to withhold funds from states that fail to meet their goals after implementing program improvement plans. In a slight improvement from last year's bill, the "Secretary shall provide technical assistance, monitoring, and oversight" to a state that, after writing a program improvement plan, still does not reach 90 percent of the state-set target. This provision, however, does not ultimately provide the needed federal backstop for sanctions accountability.

This change also is a marked departure from the analogous federal role under the Workforce Innovation and Opportunity Act (WIOA), whereby the Departments of Education and Labor can sanction states to hold them accountable for meeting performance goals and ensure that federal investment is used to support positive outcomes for participants. Thus, the removal of federal sanctions undermines other key provisions in the Strengthening Career and Technical Education for the 21st Century Act to improve alignment of CTE programs with their state and local WIOA counterparts.

In addition to the accountability issue, the reduction in required state Maintenance of Effort (MOE) from 100 percent to 90 percent is very troubling. It is important to continue to require 100 percent MOE, so as to ensure that federal funds do not supplant existing state spending. States should know that if they cut spending for CTE, their federal CTE grant will decrease accordingly.

As noted above, CLASP strongly supports several positive reforms in H.R. 2353, most notably those related to alignment of CTE with WIOA and the Higher Education Act (HEA). These include the inclusion of a new definition of "career pathways" for CTE that is identical to the definition in WIOA and HEA, as well as the inclusion of WIOA's definition of "out-of-school youth" in the CTE Act. We also support the alignment of CTE state planning with WIOA state planning to reduce duplication and increase coordination across systems, which will be supported by the bill's helpful definition of "program of study," including the new language on "multiple entry and exit points that incorporate credentialing." Finally, we thank the sponsors for aligning postsecondary CTE performance measures with WIOA indicators of performance. Matching employment, earnings, and credential attainment measures will encourage states to more closely connect their postsecondary career and technical training programs with local labor market needs, which is of particular importance to low-income adults who are both workers and students.

In summary, H.R. 2353 is a compromise lacking important protections, which we urge Members of Congress to improve by restoring the federal role in program accountability sanctions to promote equity for all CTE students.

Thank you for the opportunity to provide comments. Please contact Anna Cielinski at acielinski@clasp.org or 202-906-8019 with any questions.

Sincerely,

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cc: Members of the House Committee on Education and the Workforce