



The Honorable Lamar Alexander  
455 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Alexander:

CLASP is a national anti-poverty organization that promotes policies to improve the economic security of low-income people and create pathways to education and work. We urge you to oppose the partisan bill proposed to reauthorize the Carl D. Perkins Career and Technical Education Act of 2006 (“Perkins Act”), that was to be the subject of this week’s planned HELP Committee markup on September 21, 2016. This bill does not fulfill the promise of the Perkins Act to serve more poor students, including adult students in community colleges, with quality, equitable career and technical education that helps them escape poverty by gaining the skills they need to obtain well-paying jobs in in-demand fields.

We are concerned about both the proposed policies in the bill and the process that led to this week’s markup. With regard to policy, the draft bill proposes egregious prohibitions on Secretarial authority which are unprecedented. In general, prohibiting federal agencies from promulgating regulations, developing guidance, and even defining terms would make legislation very difficult to implement in states and local areas. Furthermore, it would set a disturbing precedent for future reauthorizations of education-related legislation.

Three prohibitions are particularly troubling. First, the bill as drafted would prevent the Secretary from identifying the progress expected from any special populations or subgroups of students. Second, she or he would not be allowed to identify the extent to which a level of performance is likely to improve equitable academic and labor market outcomes. These are the types of federal functions which are critical to promoting equity and access to career and technical education, and for which creating a prohibition seems irresponsible and unnecessary.

Third, the Secretary would be prohibited from identifying approaches to ensure equal or equitable access, including for special populations, to career and technical education programs of study, “as long as such approaches comply with all applicable civil rights laws.” We are concerned about the conflating of “special populations,” as described in the bill, with the groups of students who are protected under existing civil rights law. The Perkins Act rightly focuses attention on defined “special populations,” in recognition of the history of denying equitable access to high quality career and technical education to members of these groups. While there is some overlap between the groups of individuals defined as “special populations” in the Perkins Act and those who are protected under the Education Amendments Act of 1972, the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and the Rehabilitation Act of 1973, these groups are not one and the same. The Secretary must retain the authority to enforce both the equity requirements for special populations in the Perkins Act, separate from and in addition to the nondiscrimination requirements of existing civil rights laws.

An important function of the federal government is to ensure equity across the country. Federal accountability is essential to enforcing equitable access and service for special populations. As with the

House-passed Perkins Act reauthorization bill, we have serious concerns about rolling back federal mechanisms to hold state Perkins programs accountable for their services to special populations. The draft bill to be considered at this week's markup would replace serious accountability to the federal government with a mechanism of public accountability, where targets would be set by the state, and disseminated immediately, publicly and widely. At the end of the year, actual performance levels would be reported to the public in the same way. There is no reason to believe that public accountability mechanism will lead to better outcomes for special populations, including low-income students.

Instead, at least at the postsecondary level, the accountability mechanism should align with the Workforce Innovation and Opportunity Act (WIOA), in recognition of the significant share of Perkins Act programming that supports technical workforce training for adults, which is of equal importance to secondary school CTE programs. For instance, adults pursuing education through community college-based CTE programs often also receive WIOA services, and shared federal accountability mechanism should support the coordination and alignment of these two programs' performance and planning. While the bill does propose performance measures for state Perkins Act programs that aligned with those of WIOA, this positive step would be made moot by removing the Secretary's authority to negotiate Perkins Act performance goals and disapprove state Perkins plans that do not meet the appropriate standards.

Finally, with regard to the process that generated the draft bill, it is noteworthy that CLASP, along with many other stakeholders, has been supportive of the Senate's bipartisan negotiations which have been ongoing over the past year. We commented on the prospects for this bipartisan compromise [here](#) and [here](#). We were concerned when negotiations ended, and we are deeply discouraged that the HELP Committee majority scheduled a markup and released a draft bill without the knowledge or consent of the Committee Democrats. We urge both parties to go back to bipartisan negotiations on a bill that does not include a rollback of accountability.

CLASP would be pleased to provide any assistance we can to help members of the HELP Committee craft a truly bipartisan Perkins Act reauthorization that supports career and technical education for the neediest Americans.

Sincerely,

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