

HOUSE COMMITTEE MOVES ON PERKINS V

The House Committee on Education and the Workforce introduced a bi-partisan bill this week to reauthorize the Perkins CTE Act and titled it the “Strengthening Career and Technical Education for the 21st Century Act” (Perkins V). It appears that the House may attempt to fast track the bill, similar to the handling of the WIOA in June and July of 2014. A mark-up is scheduled for July 7.

The bill should be viewed as a “tinkering” with the current legal framework, not a significant rewrite as we witnessed with ESSA last December. Many of the current provisions on governance and planning will stay intact. Here is a summary of the major changes:

- 1) Local Uses of Funds in Section 135. This key section of the law would change materially. The Committee drops the stand alone requirement in Section 135(a) that funds be used to “improve” programs, which has been in place since 1984 in Perkins I. Instead, LEAs and postsecondary institutions must use the Perkins funds to “develop, coordinate, implement or improve” to meet the comprehensive needs assessment to be conducted every two years. That assessment must include an evaluation of performance of students in accord with the negotiated adjusted levels; descriptions of programs offered that are of sufficient size, scope and quality, aligned to in-demand occupations identified by the local WIB or meeting the education and economic needs not identified by the WIB; evaluation of progress on CTE programs and programs of study; evaluation of barriers for special population students; steps to improve recruitment of teachers and counselors, and steps to support transition to teaching from business. Section 135(b) reduces the nine mandatory activities to seven: career exploration and career development before and while participating in programs of study, professional development, support for programs of sufficient size, scope and quality, provide CTE students with skills necessary to pursue high skill, high wage occupations, support integration of academic skills, evaluations, and support for programs of study. Interestingly, the bill captures 15 permissible activities (many of which were in Section 135 (c)) as activities connected to programs of study. Thus going forward, Basic Grant funds used for permissible activities under Section 135(c) must now be aligned with programs of study. This is a dramatic change to the law. The new Section 135(c) allows eligible recipients to “pool” funds with at least one other eligible recipient to implement programs of study. Section 135(d) retains the 5% cap on local administration.
- 2) Maintenance of Effort. For the first time in over 50 years, Perkins would adopt a more flexible MOE calculus similar to ESSA and AEFLA. The State would need to meet 90% of the prior year support. The Secretary would reduce the grant award only if MOE is not met for one or more of the preceding five years.
- 3) Within State Allocations. The “Rural Reserve” would increase from 10% to 15%. These funds would come out of the 85% of the Basic Grant dollars to the eligible recipients. These funds may be awarded by the State outside the formula, and must be used for innovation or promoting programs of study. The 1% for Corrections is increased to “up to 2%” and the recipients of those funds are expanded to include juvenile justice facilities, and educational institutions. The \$60,000 to \$150,000 for nontraditional makes a key change that would allow the State to award those dollars to eligible recipients to provide the nontraditional services.
- 4) State Leadership Funds. The Bill now directs the States to conduct state leadership activities “directly” or through a “grant process”. It is not at all clear why the bill shifts the prior 50 year practice of the State “contracting” for state leadership activities to mandating the “grant process”. In the opinion of this writer, the Hill staffers likely do not understand the profound difference between grants and contracts.

- 5) A National Innovation Program. The bill authorizes \$7 million plus each year for a national competitive program to promote CTE innovation. The only eligible recipients for these dollars would be “consortia” of SEAs, LEAs, postsecondary institutions, etc. There is a 50% match component.
- 6) Private School Participation. Perkins IV had required that in order for private schools to participate in CTE, they had to make a request to the LEA. That provision has been dropped in the bill to now allow the LEA to reach out to private schools even if there is not a formal request.
- 7) Accountability. The core indicators of performance have been significantly changed. At the postsecondary level, the new indicators are aligned with the WIOA, and a separate indicator for the percent of CTE concentrators in non-traditional fields. At the secondary level, there is an alignment with ESSA, with emphasis on the percent of CTE concentrators which graduate high school, attaining ESSA academic standards, and the percent of CTE concentrators in the second quarter after exiting secondary education which are in postsecondary education, the military or unsubsidized employment. Failure to meet 90% of an indicator would trigger an improvement plan, but the period of that plan would be reduced from three years to two. Failure to meet the new target would require a new improvement plan. The Secretary has no authority to withhold funds (and that has not happened in the past anyway).
- 8) State Plans. As with the local plans, the content and development of the State Plan is greatly simplified, and States are again offered the option of combining the Plan with the WIOA State Plan.
- 9) The Inter-State and Intra-State Formulas. The bill makes no change to how funds are allocated to the states, or how the states allocate funds to eligible recipients.
- 10) Effective Date. The law would go into effect on July 1, 2017

Michael Brustein, Esquire
BRUSTEIN & MANASEVIT, PLLC
3105 South Street NW
Washington, DC 20007
Phone: (202) 965-3652
Fax: (202) 965-8913
E-mail: mbrustein@bruman.com
Website: www.bruman.com

**This e-mail may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.