

ADDITIONAL VIEWS
H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act
115th CONGRESS, 1ST SESSION
JUNE 7, 2017

While this bipartisan bill makes many needed improvements over current law, we wish to highlight one important aspect of this compromise legislation that we believe is still in need of improvement as comprehensive reauthorization of the Carl D. Perkins Career and Technical Education Act of 2006 advances through the legislative process.

H.R. 2353, the Strengthening Career and Technical Education for the 21st Century Act, would remove an accountability provision in current law (Section 123(a)(3); 20 USC 2301). That provision authorizes the Secretary of Education to sanction a state, through withholding of federal funds, in the event that such State (1) fails to implement an improvement plan; (2) fails to make any improvement in meeting the State's adjusted levels of performance within the first program year of improvement plan implementation; or (3) does not achieve at least 90 percent of its revised performance levels for any of the law's core indicators of performance for three consecutive years.

If H.R. 2353 were to be enacted without further improvement to the bill, the following would hold true concerning the sanctioning authority outlined in section 123(a)(3) of current law:

(1): Because both current law (section 123(a)(1)) and H.R. 2353 (section 122(1)(A)) clearly require states to develop and implement improvement plans upon satisfying certain conditions, the Secretary would maintain the authority to withhold federal funds for a State's failure to implement an improvement plan, despite the amendments to Section 123 of current law made by H.R. 2353 during Committee markup. This is because the Secretary's enforcement authority authorized by the General Education Provisions Act (20 USC 1221 et seq.), specifically sections 410 and part D of such Act, allows the Secretary to withhold funding from recipients of federal funds for failure to comply with statutory requirements.

(2): Upon enactment of H.R. 2353, as adopted by Committee, the Secretary would no longer be authorized to sanction a State, through the withholding of federal funds, for failing to make any improvement in meeting the State's adjusted levels of performance within the first program year of improvement plan implementation. Removing this authority has the potential to weaken accountability provisions.

(3): The authority to sanction a State for failing to achieve at least 90 percent of its revised performance levels for any of the law's core indicators for three consecutive years would become irrelevant upon enactment because H.R. 2353 shortens the Perkins CTE grant term from six years to four years (Sec. 121(1)(A)(i) of H.R. 2353. Committee Democrats believe that, should H.R. 2353 be amended to include a grant term longer than 4 years, Congress must maintain this sanctioning authority to avoid successive years of state inaction to improve program quality.

While H.R. 2353 replaces the sanctioning authority with a requirement that the Secretary provide additional technical assistance, oversight, and monitoring to States that are required by statute to implement revised program improvement plans, Committee Democrats worry that these actions are insufficient oversight mechanisms to ensure meaningful program improvement when a state has previously failed to make any improvement. Without the backstop of the authority under current law to sanction through withholding federal funds for failure to improve, States would continue to enroll students in low-quality programs and receive federal funding for the fourth year of their grant with no expectation that they take corrective action to improve performance outcomes.

History tells us that without federal involvement States and school districts often fail to adequately serve the most vulnerable students. Thus, the Secretary has an important role in protecting and promoting the civil rights and equity of educational opportunity for all students. Of particular concern, our nation's career and technical education system has a history of inadequately serving vulnerable students. For these reasons, we believe that robust program accountability, including the Secretary's authority to sanction for failure to improve program quality, is of the utmost importance as Congress works to improve current law. Additionally, amending this legislation to preserve the Secretary's authority to hold States accountable through performance-based sanctions would continue to improve alignment of state CTE programs with programs funded through the Workforce Innovation and Opportunity Act (WIOA). Committee Democrats note that WIOA includes federal authority to sanction states as a valuable tool for holding programs accountable for program improvement. Alignment with WIOA has been a bipartisan goal throughout the reauthorization process.

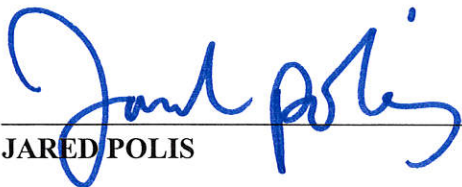
To address these concerns, Committee Democrats offered an amendment during Committee consideration of H.R. 2353 to strike Section 122 of H.R. 2353 to retain Secretarial authority to sanction state agencies in current law. In addition to Representatives Bonamici and Polis, Ranking Member Scott spoke in favor of the amendment, which was ultimately withdrawn. As the bill moves through Congress, Committee Democrats hope that the Bonamici-Polis amendment will be reconsidered. Congress should insist on maintaining critical accountability in CTE programs to ensure equity of opportunity, so that all students, regardless of background, can access and benefit from high-quality career and technical education programs that receive federal funding.



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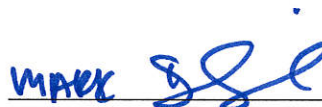
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