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Legislative Summary & Analysis

H.R. 5587 (House Perkins Reauthorization Bill)

Legislative Background

On June 28, 2016, a bipartisan group of lawmakers in the U.S. House of Representatives, including Representatives Glenn Thompson (R-PA), Katherine Clark (D-MA), Carlos Curbelo (R-FL), Bradley Byrne (R-AL), Jim Langevin (D-RI), and Rick Nolan (D-MN), introduced the *Strengthening Career and Technical Education for the 21st Century Act* (H.R. 5587), legislation that would reauthorize the Carl D. Perkins Career and Technical Education Act (Perkins). This bill was the product of negotiations between these offices as well as Chairman John Kline (R-MN) and Ranking Member "Bobby" Scott (D-VA) of the House Education and the Workforce Committee (HEW).

Following this introduction, the HEW leadership formally scheduled a committee markup of H.R. 5587 for July 7, 2016. This ambitious timeline was set in an effort to ensure that committee-level work on the bill concluded before the annual congressional summer recess, which was scheduled to begin in mid-July.

During the week between introduction and markup, the HEW Committee worked on an "amendment in the nature of a substitute," which included a comprehensive set of changes to many aspects of H.R. 5587. The amendment was designed to replace the original text of the legislation in full to reflect the package of changes. Additional negotiations between committee Republicans and Democrats were conducted during the week leading up to markup to determine the changes that would be included in the substitute amendment. Much like the original text of H.R. 5587, the committee substitute reflected bipartisan consensus from both sides of the aisle.

Committee Markup Summary

The day before the markup session, the HEW Committee released the text of the proposed substitute amendment. Following opening statements from committee members, the substitute amendment was passed unanimously by voice vote. It is important to note that the text of this substitute amendment replaced the text of H.R. 5587 entirely. As such, all other amendments proposed during committee action were secondary amendments—small-scope amendments to the newly amended H.R. 5587.

Withdrawn Amendments

During committee markup, several additional amendments were introduced and later withdrawn by members of the committee. These proposals were primarily a way for specific members to express support for issues of importance to them that had not received support from the majority of the committee:

1.) *Rep. Davis (D-CA) Amendment* – Created a new statutory definition for the term "equity gap" to mean gaps in participation and performance on core indicators of performance between student subpopulation groups.

2.) *Rep. Wilson (D-FL) Amendment* – Added "individuals with barriers to employment," as defined in the Workforce Innovation and Opportunity Act (WIOA), to the existing definition for special populations.

3.) *Rep. Bonamici (D-OR) Amendment* – Struck existing authorization levels specified in H.R. 5587 and used "such sums" language to allow for greater investment via the legislation.

Adopted Amendments

Three amendments outside the scope of the substitute were adopted unanimously by voice vote during committee markup:

1.) *Rep. Stefanik (R-NY) Amendment* – Added a permissible use of state leadership funds for the integration of arts and design with CTE programs and programs of study.

2.) *Rep. Takano (D-CA) Amendment* – Added a non-required component to the local needs assessment related to engaging with manufacturing facilities and "makerspaces."

3.) *Rep. Heck (R-NV) Amendment* – Struck the existing Federal Fiscal Year (FY) 1998 hold-harmless provision and created a new requirement that no state will receive less than 90 percent of its allocation from the previous year. This change would take effect starting in FY 2020.

Editorial Note:

The following summary and analysis of H.R. 5587 is based on the text as amended by this substitute amendment and all additional amendments adopted during Committee markup. Please also note that citations contained in this document are based on the Act as it would be amended by H.R. 5587.

Major Themes in H.R. 5587

Broadly speaking, H.R. 5587 can best be understood as a moderate proposal that does not fundamentally change the major contours of existing Perkins law. Instead, the bill makes many modifications within the existing structure of Perkins while largely retaining its overall shape. This is reflected in the purposes of the Act as envisioned by this bill, which would primarily stay the same as current law.

H.R. 5587 aims to strengthen alignment among the Every Student Succeeds Act (ESSA), the Workforce Innovation and Opportunity Act (WIOA) and Perkins. Throughout the proposal, intentional linkages to these laws can be found through the use of common terminology, the alignment of performance indicators, the coordination of federal reporting requirements, and related planning and uses of funds elements. Along with this, the concept of strengthening CTE program alignment to the needs of the labor market is a key theme articulated throughout the bill and strengthened through connections to WIOA.

Additionally, H.R. 5587 would devolve a significant amount of current federal authority over Perkins, primarily through the elimination of the performance target negotiation process, in favor of increased state and local autonomy. It is important to note that this trend is mirrored at the state-to-local level

where current state oversight authority is similarly devolved in favor of local autonomy. Planning, application and funding requirements are also streamlined and made more flexible, yet intentional, to foster state and local flexibility while ensuring quality programs. These changes reflect trends in other education legislation, and further increase alignment with ESSA.

Authorization Period and Levels (Sec. 9)

H.R. 5587 would reauthorize the Perkins Act for six years, covering FYs 2017 through 2022. For the Title I basic state grant program, the bill would authorize $1.133 billion for FY 2017 and gradually increase this authorization level to $1.213 billion in FY 2022. Please note that the bill would eliminate the existing Title II program of the law known as "Tech Prep" which has not been funded for several years.

Although these levels are encouraging, it is important to note that Congressional appropriators must ultimately develop and pass separate funding legislation annually for these levels to be realized.

State Eligible Agency and Governance Structure

H.R. 5587 retains the current state governance structure of Perkins via the identification of a state Perkins eligible agency. General related responsibilities for the agency, such as state plan development and local grantee oversight, largely stay the same. However, some of these processes do change somewhat (please see below for additional details on these changes).

State Allotment and Within State Allocations

The current federal-to-state formula (Sec. 111) determining state Perkins allocations would largely stay in place under H.R. 5587 with one exception: a significant change to the hold-harmless provision as described below. In addition, the overall percentages for distributing funding within the state also remain largely unchanged, with 5 percent for state administration, 10 percent for state leadership, and 85 percent for local program distribution. A few small changes within these areas are noted below.

Hold-Harmless

As noted above, the "Heck Amendment" changed the hold-harmless provision in current law (Sec. 111(a)(5)) by eliminating the existing requirement that prevents states from receiving less than they did in FY 1998, beginning in FY 2020. At that time, the current hold harmless provision would be replaced with a new requirement that states receive no less than 90 percent of what they received the previous fiscal year. The fact that these changes would not take effect until FY 2020 is an effort to give states time to transition.

This is a significant departure from current law and would, if enacted, result in increases for some state allocations while others would see a decrease. Generally speaking, those states that have grown in population since FY 1998 would likely see Perkins allocations increases, while those that have had smaller population growth since that time would see decreases in their Perkins allocations. If, however, the entire Perkins allocation is increased as per the authorization levels discussed above, the effect of the changes would be mitigated.

State Administration

The existing 5 percent State Administration set-aside (Sec. 112(a)(3)), including the state match requirement (Sec. 112(b)) and related responsibilities described in current law (Sec. 121), all remain unchanged under this proposal.

State Leadership

While the 10 percent State Leadership set-aside (Sec. 112(a)(2)) itself stays the same under H.R. 5587, there are a number of changes made to this section of the bill (please see relevant section below for further information).

State Corrections Set-Aside

A significant priority for Ranking Member Bobby Scott (D-VA) has been to increase Perkins' focus on providing access to CTE programs for youth and adults who are involved with the justice system. The bill increases the allowable state set-aside (Sec. 112(a)(2)(A)) for this purpose from 1 percent to 2 percent and clarifies that this funding can be used in correctional facilities, juvenile justice facilities, and education institutions serving individuals with disabilities.

Reserve Fund

The allowable state "reserve fund" (Sec. 112(c)) has been increased from 10 percent to 15 percent. The criteria for using these funds is similar to current law, which requires funding to focus on eligible local recipients in rural areas or those with high percentages or numbers of CTE concentrators or participants.

The bill further requires that this reserve fund be used either to support innovation in CTE—a broadly understood term not defined in the bill—or on the development and implementation of CTE programs of study or career pathways aligned to state-identified, in-demand occupations and industry sectors.

State-to-Local Formula and Eligible Recipients/Institutions

The current state-to-local formulas (Secs. 131 & 132) determining local grant allocations would remain unchanged in this bill. Additionally, local education agencies, area career technical schools, and community/technical colleges remain the primary recipients of local Perkins funding under this proposal.

However, due to a change in the definition of "Career and Technical Education," which now references "recognized postsecondary credentials," as defined by WIOA, further clarification was required in the definition for "eligible institution." Specifically, a change was made to more clearly define what is meant by the term "degree." H.R. 5587 makes clear that only public or nonprofit private institutions providing CTE courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or an *associate degree* are eligible to receive Perkins funding (note the change made in italics).

It is also important to note that the bill re-orders the listing of entities under both the "eligible recipient" and "eligible institution" definitions to list consortia at the beginning of the list rather than at the end. This change has no meaningful effect other than to more directly highlight consortia as an option.

Highlighted Definitional Changes (Sec. 3)

A total of 21 new definitions were included in H.R. 5587, and several other definitions were amended. Most of the new definitions were added in an effort to align terminology with WIOA and ESSA. Highlights of the changes and additions are included below (with definitions directly related to the accountability provisions of the law featured in the following section).

Area Career and Technical Education School

This term largely stays the same but the number of required occupational fields needing to be offered has been reduced from five to three. There is additional emphasis on occupational fields offered in "in-demand" industry sectors or occupations, but this does not constitute a new requirement.

Career and Technical Education

Significant changes were made to the definition of CTE, and, as with current law, this definition determines what activities can be funded. The new definition specifies that content must be aligned with ESSA's state-identified academic standards at the secondary level and with rigorous academic standards at the postsecondary level. There is a new emphasis on "in-demand" industry sectors and occupations, although this does not constitute a new requirement. The definition also references the WIOA term "recognized postsecondary credentials," which includes a spectrum of credentials including state licenses, industry certifications, and associate and baccalaureate degrees (please see the changes made to "eligible institution"). The definition also includes new references to including work-based learning, career exploration, and secondary-postsecondary connections, although none are specifically required.

Programs of Study

A new formal definition for CTE programs of study is introduced here and is emphasized throughout the legislation. Local grant recipients would still be required to implement at least one program of study in order to receive Perkins funding. The term uses some of the existing language from current law, defining a CTE program of study as a coordinated, non-duplicative sequence of secondary and postsecondary courses that incorporates challenging, state-identified academic standards and addresses academic and technical knowledge, as well as employability skills (a purposefully undefined term in the bill), which are aligned to the needs of industries in the state, region, or local area. Additionally, a CTE program of study progresses in content specificity, has multiple "entry and exit points" that allow for credentialing, and ultimately culminates in the attainment of a recognized postsecondary credential.

Special Populations

Under H.R. 5587, two new categories of special population students are added to the current definition to reflect changes made under ESSA. These two new groups include homeless individuals and youth with parents on active duty in the armed forces.

Work-based Learning

A new, formal definition of work-based learning is included in H.R. 5587. It emphasizes sustained interactions with industry or community professionals in real workplace settings where possible, but includes simulated environments as well. Under the definition, work-based learning must foster in-depth, first-hand engagement with the tasks required of a given career field and be aligned to curriculum and instruction.

ESSA Adopted Terminology

H.R 5587 adopts a number of terms from the recently passed ESSA law. References to dual or concurrent enrollment, early college high schools, English learners, evidence-based, paraprofessionals, pay for success initiatives, specialized instructional support personnel and services, and universal design for learning all take on the meanings as defined in ESSA. An online version of this Act is available here.

WIOA Adopted Terminology

As with ESSA, the bill also adopts a number of terms from the recently passed WIOA. References to career pathways, in-demand industry sectors or occupations, industry or sector partnerships, local and state workforce development boards, out-of-school youth, and recognized postsecondary credentials all take on the meanings as defined in WIOA. An online version of this Act is available here.

Accountability—Definitions, Core Indicators, Performance Targets, and Improvement Plans (Sec. 113)

Significantly, H.R. 5587 would introduce formal definitions for CTE concentrators and participants.

CTE Concentrator

This definition was newly introduced and is the primary unit of analysis for the bill's accountability framework. At the secondary level, a concentrator is defined as a student who completes three or more CTE courses or two or more courses in a single program area. At the postsecondary level, a concentrator is defined as a student who earns 12 cumulative credits in a single program area or completes a program that encompasses fewer than 12 credits.

CTE Participant

Although this term is rarely used in H.R. 5587, a CTE participant is defined as an individual who completes at least one CTE course or earns at least one credit in a CTE program or program of study.

Secondary Core Indicators of Performance

(Please note these are all based on assessing CTE concentrators as defined above):

1.) Graduation rates (based on the ESSA four-year rate with an option to also use the extended-year rate should a state choose to do so).
2.) Academic attainment rates (largely the same as current law and based on ESSA state-identified academic standards and related assessments).
3.) Student placement two quarters after exiting secondary education in either further postsecondary education or training, military service, or unsubsidized employment.
4.) A measure of "CTE program quality" that must include one of the following:
    a. Student attainment of recognized postsecondary credentials;
    b. Student attainment of postsecondary credits in their CTE program/program of study; or
    c. Percentage of students participating in work-based learning.

    In addition to one of these indicators, a state may also elect to use another measure so long as it is statewide, valid, and reliable.
5.) The percentage of CTE concentrators in CTE programs that lead to nontraditional fields.

Postsecondary Core Indicators of Performance

(As with the secondary indicators, these are all based on CTE concentrators as defined above):

1.) Student placement, two quarters after program completion, in further education or training, advanced training, or unsubsidized employment.
2.) Median earnings two quarters after program completion.
3.) Attainment of recognized postsecondary credentials during a program or within one year of program completion.
4.) The percentage of CTE concentrators in CTE programs that lead to nontraditional fields.

As mentioned above, H.R. 5587's accountability framework is wholly based on the percentages of CTE concentrators for each of these indicators of performance. While the introduction of a concentrator definition is a positive step for Perkins, there are a few technical deficiencies related to how the definition works with aspects of the "program quality" and "nontraditional" measures at the secondary level in particular. Efforts are underway to resolve this issue.

Performance Targets

Under this proposal, states would have the ability to unilaterally set their state adjusted levels of performance for each of the indicators listed above without the need to enter into negotiations with the U.S. Department of Education (USDE). States would need to set performance levels for the first two years of the State plan and these targets would need to be "sufficiently ambitious to allow for meaningful evaluation of program quality." During the third year covered by the State plan, the state would be required to revise these targets while taking into account how such revisions would promote "meaningful improvement" on the core indicators of performance listed above.

Despite the removal of the federal-to-state performance negotiation process, the U.S. Secretary of Education would still have the authority to disapprove a state's Perkins plan based on a state's performance target. This is because a state's adjusted level of performance is considered to be part of the "requirements of the Act" and, as such, is in the purview of reasons why the Secretary may choose to disapprove a state plan (more on this in the next section).

H.R. 5587 would maintain the requirement that local grant recipients adopt the state adjusted levels of performance for each of the core indicators of performance or individually negotiate with the state to develop separate performance targets. Under either option, the local performance levels must take into account how those levels compare among other eligible recipients in the state, local economic conditions, the extent to which the levels advance the accomplishment of the goals outlined in a local application, and the eligible recipient's ability to collect and assess data.

Additionally, states would be required to publicly report and share widely their actual performance on the core indicators of performance. This requirement is very similar to ESSA's "Report Cards," which are required at the state and local level. Relatedly, state and local reports would largely remain consistent with current law (Sec. 113(b)(4)(B) & Sec. 113(c)) and continue to require the reporting and disaggregation of data.

Improvement Plans

As with current law, if a state fails to meet at least 90 percent of its adjusted level of performance, it must implement an improvement plan. Notably, existing federal sanctions language related to USDE's authority to withhold funding from a state that does not adequately address performance in these instances has been removed. Instead, should a state fail to improve during the first two years of their improvement plan, the state would be required to revise the plan and implement it until they meet at least 90 percent of their performance target.

It is important to note that all of these changes are mirrored at the state-to-local level. However, rather than having two years to meet at least 90 percent of a target, the state eligible agency has discretion to determine the length of time before a local improvement plan must be revised and re-implemented.

State Plan (Sec. 122)

As with current law, each state would still be required to submit a plan to USDE in order to receive its Perkins allocation. Notably, the bill reduces the period of time covered by the state Perkins plan to four years in an effort to align it with other federal state planning requirements such as those found in WIOA. At the time of this writing the discrepancy between the state plan length and the authorization period outlined in Sec. 9 of the law has not been resolved.

States have two options to submit a plan to fulfill the requirements under Sec. 122—a "single plan," as is the case in current law, and a "combined state plan," as outlined in WIOA. State eligible agencies have the freedom to select either of these two options.

As is currently the case, the state eligible agency would be required to consult with a number of entities within the state, including the Governor, on state plan development. The list is largely consistent with current law with a few additions, such representatives of agencies serving out-of-school youth, homeless youth, at-risk youth, and representatives of Indian tribes. Also consistent with current law, states would be required to establish procedures for the public and other groups within the state to provide comment on the contents of the plan as it is being developed.

State Plan Contents

H.R. 5587 streamlines the content requirements for state Perkins plans in comparison to current law and reduces the number of requirements from 20 to 10. In brief, the plan must include:

1.) a summary of the state's workforce development activities and how CTE programs in the state align to them;
2.) the state's strategic vision for preparing an educated and skilled workforce;
3.) a summary of the planning and coordination elements required in the state's WIOA plan;
4.) detailed descriptions for how CTE programs and programs of study will be developed, supported, and improved;
5.) how the eligible agency will approve local eligible recipients for funding;
6.) how the state will support the recruitment and retention of CTE teachers, faculty, and administrators;
7.) a description for how the state plans to spend its state leadership resources;
8.) how the state will determine the "split" between secondary and postsecondary CTE systems;
9.) a description of how the state will establish levels of performance for the core indicators of performance described above; and
10.) assurances that the state will comply with the legal requirements of the Act.

State Plan Approval

The U.S. Secretary of Education is required to approve the state Perkins plan so long as it "meets the requirements of the Act." A state plan is also deemed approved if the Secretary has not responded within 90 days. As mentioned earlier, the Secretary still retains the ability to disapprove a state plan if it does not meet the requirements of the Act, which includes the requirement to set adequate state performance targets. Should the Secretary elect to disapprove the state Perkins plan for any reason, USDE must immediately notify the state in writing, provide justification for its disapproval, and grant the state a hearing. However, the steps that would be taken following a hearing are not specified in the bill.

State Leadership (Sec. 124)

As noted earlier, the bill maintains the current 10 percent set-aside for State Leadership activities. In current law there are nine required uses of funds and 17 permissible uses. H.R. 5587 only slightly reduces these requirements. Notably, the bill would require that states report on the effectiveness of this funding stream in supporting the state's strategic vision for "preparing an educated and skilled workforce" as well as meeting the state's adjusted levels of performance for the core accountability indicators outlined earlier.

In brief, the required State Leadership uses of funds include:

1.) developing statewide CTE programs of study;
2.) approving locally-developed programs of study;
3.) establishing statewide articulation agreements aligned to programs of study;
4.) fostering partnerships among secondary and postsecondary CTE and employers to support the development and implementation of programs of study;
5.) providing preparation for nontraditional fields in high-skill, high-wage fields;
6.) serving individuals in state correctional facilities; and
7.) providing professional development activities for CTE professionals.

There are a total of 17 permissible uses of funds under this section, which vary greatly in scope and feasibility. Some of the more important uses of funds that will likely reappear as Perkins reauthorization continues to evolve are: awarding incentive grants to local eligible recipients, supporting dual and concurrent enrollment programs, improving career guidance and academic counseling, integrating and aligning career pathways and CTE programs of study, supporting work-based learning opportunities, supporting STEM programs, and supporting Career and Technical Student Organizations (CTSOs).

Local Application

The local plan as it exists in current law is renamed the "local application" for purposes of H.R. 5587, and is restructured into three pieces: the actual application components, the comprehensive needs assessment, and consultation requirements.

Application Components

Each local entity must submit a local application to be eligible for funding, and the local application should cover the same time period as the state plan—four years. State eligible agencies can add additional requirements (as under current law), but only four specific requirements for the application are delineated in the bill:

1.) a description of the results of the comprehensive needs assessment;
2.) information on the programs of study that will be supported by the eligible recipient with their Perkins funds, including how the results of the needs assessment informed the selection of programs and activities to be funded, and a description of any new programs of study the local recipient will develop;
3.) a description of how the eligible recipient will provide career exploration and development coursework, activities, or services; career information; and an organized system of career guidance and academic counseling to students before enrolling and while participating in a career and technical education program; and

4.) a description of how the eligible recipient will provide activities to prepare special populations for high-skill, high-wage, or in-demand occupations that will lead to self-sufficiency; and prepare CTE participants for nontraditional fields.

Comprehensive Needs Assessment

The comprehensive needs assessment is the largest addition to this section of the law. This new process must be completed by the eligible recipient at the beginning of the grant period and updated at least once every two years. The needs assessment should include reviews of at least six elements:

1.) student performance on the performance indicators, including the performance of special populations;
2.) whether programs are of sufficient size, scope, and quality to meet the needs of all students served by the eligible recipient and are meeting labor market needs;
3.) progress toward the implementation of CTE programs and programs of study;
4.) strategies needed to overcome barriers for special populations;
5.) how the eligible recipient will improve recruitment, retention, and training of CTE professionals; and
6.) how the eligible recipient will support the transition to teaching from business and industry.

The local recipient is required to consult with a number of groups during the needs assessment process, mirroring the consultation process that is included in current law related to the local plan. These groups include secondary and postsecondary educators and administrators; state or local workforce development boards; business and industry representatives; parents and students; representatives of special populations; and representatives of local agencies serving out-of-school youth, homeless children and youth, and at-risk youth.

In addition, continued consultation is required with these groups to ensure that programs remain responsive to labor market and employer needs, give employers opportunities to provide input into programs, identify work-based learning opportunities, and ensure funding is coordinated with other local resources.

Local Uses of Funds

One of the most significant changes to the local uses of funds section is the link to the local needs assessment, and the requirement that the allocation of resources be aligned with the results of that assessment. Specifically, the section requires that funds be spent "to develop, coordinate, implement, or improve career and technical education programs to meet the needs identified in the comprehensive needs assessment described in section 134(c)."

The other significant change is that the uses of funds are significantly streamlined. The majority of the current uses of funds are still covered, although many have fewer explicit clauses. There are also no longer discrete "required" and "permissive" uses of funds subsections, but instead, many of the former "permissive" uses are included as options under required activities.

In addition to the requirement that local funds be used to support CTE programs of sufficient size, scope and quality to be effective, the bill includes six new "required" activities:

1.) provide career exploration and career development activities through an organized, systematic framework;

2.) provide professional development for teachers, principals, school leaders, administrators, and career and guidance counselors;
3.) provide CTE students, including special populations, with the skills necessary to pursue high-skill, high-wage occupations;
4.) support integration of academic skills into CTE programs;
5.) plan and carry out elements that support the implementation of programs of study and student achievement of the local adjusted levels of performance established under section 113; and
6.) develop and implement evaluations of the activities funded by Perkins.

Key activities such as purchasing equipment and supporting CTSOs, work-based learning, and dual and concurrent enrollment, among numerous others (18 in total), are included under the elements that support implementation of programs of study and student achievement.

In addition, the option for local recipients to pool funds with other recipients that exists in current law was maintained in H.R. 5587. This is explicitly referenced in the State Leadership permissible uses of funds section as an option that can be incentivized by the state. Finally, and in line with current law, the 5 percent limit on administrative costs at the local level has been carried over in this bill.

National Activities (Sec. 114)

Significant changes were made to the elements included under the national activities section of the bill. First, the Director of the Institute of Education Sciences (IES) is brought in as a partner in administering data collection, research and evaluation activities. However, the specific requirement for the National Center for Education Statistics (which is part IES) to include CTE in its assessments is eliminated.

Specific language is added to the section to require the Secretary to award grants (rather than contracts) to carry out research, development, dissemination, evaluation, capacity building, and technical assistance under a single plan defined by USDE. These grants can be awarded to institutions of higher education or a consortia of one or more institutions of higher education and one or more private nonprofit organizations or agencies.

Activities are to be operationalized through a series of research and evaluation initiatives aligned to this plan, and the national assessment of CTE is reconfigured as a national "evaluation" under this set of activities. There is no longer a requirement for a specific "national research center" as under current law, although nothing in the bill would preclude USDE from establishing one or more centers.

In addition, a new innovation grant program is added to the section. Under this program, USDE would award competitive grants to consortia to create, develop, implement, or take to scale evidence-based, field-initiated innovations, and rigorously evaluate such innovations. Many components of this grant program are similar to the Obama Administration's 2012 blueprint proposal for Perkins reauthorization.

This section of the legislation, as in current law, has a funding stream separate from the basic state grant program authorized elsewhere under Title I of Perkins. As with funding levels for that core program, this section of the legislation designates specific authorization levels for these activities. In FY 2017 this section would receive a modest increase to $7.523 million which would grow over time to $8.056 million by FY 2022. Much like authorization levels contained elsewhere in H.R. 5587, Congress

must pass separate appropriations legislation for these funding levels to be realized. It is also important to note that the bill requires that funding must be spent on the research component as well as the competitive grant program under this section, but does not make clear how *much* funding must be spent on either one of these activities.

Fiscal Provisions—Supplement-not-Supplant and Maintenance of Effort

Current supplement-not-supplant requirements stay intact under H.R. 5587. The legislation would also maintain the current 100 percent state fiscal effort requirement that compels states to maintain the same fiscal effort, on an aggregate or per-pupil basis, as they did the year before. However, the bill makes some notable changes to the law's existing Maintenance of Effort (MOE) requirements.

First, the bill allows the state to exclude additional CTE-related expenditures such as competitive or incentive-based programs, capital expenditures, special one-time project costs, and the costs of pilot programs at the request of the state. It is important to note that it is at the eligible agency's discretion to include or exclude any of these expenditures.

Second, the new MOE language affords states the one-time-only opportunity to "reset" their existing MOE baseline level. However, states may still elect to maintain their existing baseline should they choose to do so. It is also important to note that states have a significant amount of flexibility in determining a new MOE baseline should they elect to reset it.

Miscellaneous Provisions and Conforming Amendments

New GAO Study

The bill would require the Government Accountability Office (GAO) to conduct a study to evaluate the "strategies, components, policies, and practices" used by the state eligible agency and local grant recipients to ensure that all students, including specific subpopulations, are able to pursue and complete CTE programs of study aligned to high-skill, high-wage occupations (Sec. 219). The study would also assess any challenges associated with the replication of these approaches, and require a specific focus on subgroups who may be underrepresented in such occupations. In conducting this study, the GAO must consult with students and parents, eligible agencies and recipients, teachers and faculty, special populations, and employers. The study would be submitted to the House and Senate education committees and would not be binding.

Wagner-Peyser Alignment

As mentioned elsewhere, a major theme of H.R. 5587 is labor market alignment. In an effort to support this goal, the bill amends the Workforce and Labor Market Information System under Wagner-Peyser (Title III of WIOA) by ensuring that the labor market information produced under this legislation can be readily accessed and used by the state Perkins eligible agency (Sec. 301).

For more information related to this brief, please contact Steve Voytek, Government Relations Manager for Advance CTE, at svoytek@careertech.org, or Alisha Hyslop, Director of Public Policy for ACTE, at ahyslop@acteonline.org.