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# The Federal Update for March 17, 2023

From: Michael Brustein, Julia Martin, Steven Spillan, Kelly Christiansen

Re: Federal Update

Date: March 17, 2023

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## Legislation and Guidance

### ED Encourages Use of Perkins Funds for Teacher Shortage

The U.S. Department of Education’s (ED) Office of Career, Technical, and Adult Education (OCTAE) shared a “Dear Colleague” letter with Members of Congress on Wednesday encouraging stakeholders to center teacher pipeline and apprenticeship initiatives around career and technical education (CTE) programs. ED suggests better integrating CTE programs with current efforts around the country to expand the pool of elementary and secondary school teachers as a nationwide teacher shortage persists.

The letter is accompanied by a fact sheet on using Strengthening Career and Technical Education for the 21st Century Act (Perkins V) funds for teacher preparation, including highlights from some States that are already doing so successfully. The fact sheet states that Perkins V funds can be used to develop and support programs to prepare students for a teaching career, including through work-based learning opportunities in the education profession and to pay the costs of certification and licensing fees for students enrolled in educator preparation programs under certain circumstances, such as for members of special populations. The fact sheet also encourages States and recipients to use Perkins V funds for professional development, including to teachers that are not CTE educators, if the purpose of the professional development is to provide them with skills to help CTE students succeed, such as meeting State academic standards.

The fact sheet notes how some States are using Perkins V State leadership funds for CTE educator preparation programs and induction and mentoring programs, and how community colleges and local educational agencies are using Perkins V funds for recruiting and retaining faculty. The fact sheet also describes how at least one State has used funding to establish an educator preparation program of study.

The release of the fact sheet, which includes questions and answers, is a shift from the prior administration’s Assistant Secretary for Career, Technical, and Adult Education, Scott Stump, who said that OCTAE would no longer issue question and answer guidance documents related to Perkins. However, the guidance is non-binding on grantees, in accordance with 2 CFR 200.105(b) of the Uniform Grant Guidance, which prohibits federal agencies from “imposing legally binding requirements” on grantees through guidance unless the guidance undergoes a formal notice and comment period or is incorporated into the terms of a federal award.

[The Dear Colleague letter and fact sheet are available here](https://www2.ed.gov/about/offices/list/ovae/pi/cte/perkins-educator-prep.pdf).

Author: KSC

## News

### ED Announces College ‘Secret Shopper’ Program

The U.S. Department of Education (ED) announced Tuesday that it would begin using a “secret shopper” program to look for misleading or illegal enrollment practices at colleges and universities. The program will be housed within the agency’s Office of Federal Student Aid (FSA).

The program will focus on whether colleges are providing accurate information to prospective students on financial aid options, graduation and job placement rates, and transferability of credits. The results of these inquiries could supplement evidence in existing investigations, or be used to open new inquiries. They may also be shared with other federal or State enforcement authorities.

In an announcement, ED called the secret shoppers “one of many tools that FSA may use to evaluate an institution’s recruitment, enrollment, financial aid, and other practices” and noted that “[i]nstitutions are required to cooperate with FSA in these activities as a condition of participation in the Title IV programs.”

When a secret shopper investigation identifies “deception, substantial misrepresentation, or other predatory recruitment and enrollment practices,” ED says, the agency will consider “all appropriate corrective actions and sanctions” including discharging student loans and holding the institution responsible for the cost of the discharge.

[The announcement from ED is here](https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2023-03-14/fsa-enforcement-bulletin-march-2023-announcing-use-secret-shoppers-evaluate-recruitment-and-enrollment-practices-and-monitor-title-iv-compliance?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=&source=email).

Author: JCM

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