



December 12, 2018

Director of the Information Collection Clearance Division  
U.S. Department of Education  
550 12th Street SW  
PCP, Room 9088  
Washington, DC 20202-0023

RE: Docket ID ED–2018-ICCD-0108

Dear Tomakie Washington:

On behalf of the Association for Career and Technical Education (ACTE), the nation’s largest not-for-profit association committed to the advancement of education that prepares youth and adults for career success, and Advance CTE, representing the state and territory leaders of our nation’s Career and Technical Education (CTE) system, we write to respond to the U.S. Department of Education’s request for comments on the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) Guide for the Submission of State Plans (Docket ID: ED-2018-ICCD-0108).

Overall, we are pleased that the Department recognizes that it will take time for eligible agencies to update their CTE systems, policies, and programs to align with the requirements of Perkins V, and that transition authority is utilized to fully allow for a thoughtful transition process. However, there are a few areas where we feel greater clarification or amendments would be helpful. Below you will find specific comments related to the priorities we found most critical to our memberships:

**Opening Letter**

We were pleased to see that the opening letter included key questions for CTE leaders to consider as they begin to develop their Perkins V plans. Questions about how to use the reserve fund to incentivize high-quality programs, program approval processes and building the pipeline of CTE educators are the types of questions that state leaders will need to be asking to advance the vision for CTE in their state and move toward providing high-quality programs of study for each and every learner. However, the summary of the key provisions in the law included some concerning elements. For example, we’d recommend that local CTE leaders align CTE programs to “high-wage, **high-skill** and in-demand career fields” instead of “in-demand, **high-growth**, and high-wage career fields.” High-skill is a key component that is foundational to ensuring that CTE programs of study are both rigorous and prepare learners for skilled careers that lead to family-sustaining wages and careers with growth potential, not just the jobs that are available in low-skill, low-wage and/or high-growth fields. Replacing the term “high-growth” with “high-skill” is also critical because the legislation does not use the term “high-growth” in concert with “high-wage” and “in-demand” career fields, but rather uses “high-skill” instead. Retaining the term “high-growth” could cause confusion in the field, particularly because states have the ability to define these terms for making decisions about programs that meet the criteria of preparing learners for “high-skill, high-wage, in-demand” career fields.

In addition, the description of “Strengthening the CTE teacher and faculty pipeline, especially in hard-to-fill program areas, including STEM” does not warrant the specific mention of STEM fields. The CTE teacher and faculty shortage is severe in many career fields and a [2017 survey of State CTE Directors](#) found that STEM comes in fourth, in terms of fields with the most severe shortages. As CTE leaders begin the Perkins V planning process, it will be critical for them to consider how to address the CTE teacher and faculty shortage in all fields that are of greatest priority in their state, not just STEM.

### **Plan Provisions**

Overall, some of the plan requirements outlined in the guide are reasonable expectations for CTE leaders as they transition to Perkins V, but others add undue burden on states and are not in line with our understanding of legislated intent. There were also some elements that were concerning and others that could benefit from further clarification. Specific edits and suggestions are provided below. Page numbers correspond with the online PDF version of the draft State Plan Guide.

- **Governor’s Opportunity to Sign Transition Plan:** On page 4, the table indicates that the cover page is required for the transition plan. Within the cover page, on page 11, subpart H states, “Governor’s Joint Approval of the Perkins V State Plan.” This suggests that the opportunity for the Governor to sign off on the transition plan is required; however, this was not the intent of the legislation, nor does the legislation specify this requirement for the transition plan. As you know, 20 states elected new governors in 2018. New governors will have an overwhelming number of priorities to address when first inaugurated, which often takes place in the middle to end of January, when legislative sessions begin. This is also the same time that states would need to be presenting transition plans to governors. It is important for new governors to have a thoughtful first introduction of a state’s CTE vision, successes and challenges. The rushed timeline of signing a transition plan does not create this environment and might result in unintended consequences. Given these concerns and the lack of legislative evidence for its inclusion, we recommend removing this requirement for the submission of a transition plan.
- **Definition of Size, Scope and Quality:** On page 4, the table indicates that the transition plan does not need to include item B(2)(h): states’ definition of “size, scope and quality” (page 15). While we agree that states may be reconsidering these definitions in the transition year, it would be helpful to clarify that states must still require local recipients’ CTE programs to be of sufficient size, scope and quality to be effective during the transition year.
- **Purpose of Program Memoranda:** On page 5, the paragraph on “Timeline for the Issuance of Perkins V Grant Awards” states that “In each fiscal year, the Secretary will issue program memoranda with State plan requirements and estimated allocations, respectively, for the upcoming fiscal year.” It is important that the state plan requirements remain consistent across the authorization period of this law, therefore we recommend that these program memoranda not be used as a way to put additional or different requirements in place.
- **Specifying Dates:** On page 5, Table 3 does not include exact dates by which eligible agencies are required to submit Perkins V plans. The due date should be specified in order to help CTE leaders build their transition plans and full plans for submission. The date by which plans will be approved, June 30, should also be specified so that CTE leaders know when to expect approval. In every instance, it is vital that state plans are approved prior to the end of the program year, which is June 30.
- **Publishing State Plans:** On page 6, it states that “The Department plans to publish Perkins V State Plans, including State determined performance levels (SDPLs), in whole or in part, on its Web site or through other means available.” We recommend that these plans be provided in whole, and that the option to publish only in part be removed, given that Perkins V state plans are developed with the support of taxpayer dollars. In addition, they require a high-degree of public stakeholder engagement and stakeholders should have the opportunity to review these plans. We would encourage timely posting of the plans and state determined performance levels, especially since states must consider the performance of other states when or if they revise state determined performance levels.

- Clarifying Timelines: On pages 8-9, the last column in these timelines states that Fiscal Year 2024 is from “July 1, 2023 - June 30, 2024. This should be updated to “July 1, 2024 - June 30, 2025.”
- Local Needs Assessment and Application: On page 15, requirement 2.g related to a local needs assessment template should be amended. Our suggestion is “Include a copy of the local needs assessment template and/or guidelines that the eligible agency will require eligible recipients to use in conducting the comprehensive local needs assessment pursuant to section 134(c) of Perkins V.” As this provision currently stands, the needs assessment “template” is presented as a completely separate element from the local application, which is not the only way a state can meet the legislated intent. States should have the flexibility to decide what will work best for their unique contexts. For example, a state should be able to submit a common local application that both secondary and postsecondary eligible recipients can use, but different local needs assessments across secondary and postsecondary, or be able to have multiple templates that incorporate both the needs assessment and the local application. Legislative language does not prescribe which approach states should take. In addition, eligible recipients are required to present the results of the local needs assessment as the first component of the local application, meaning the local application template should already include provisions for reporting this information. Requiring the submission of two completely separate documents creates potential duplication. Instead, eligible agencies should provide additional guidance to eligible recipients on how to conduct the local needs assessment, which may include a sample template(s) (such as for collecting labor market info or hosting focus groups) leading up to the final information included in the local application.
- Requirements in the Transition Plan:
  - On page 15, 2(c)(iii) and (v) are new provisions of Perkins V and state CTE leaders will not have sufficient time for stakeholder engagement to adequately address these provisions in the transition plan. For example, 2(c)(iii) requires eligible agencies to address how they will “use State, regional, or local labor market data to determines alignment of eligible recipients’ programs of study to the needs of the State, regional, or local economy...” However, this is an element that eligible agencies will need to address during their stakeholder engagement and consultation efforts, particularly due to the amendment to the Wagner-Peyser Act included in Perkins V that adds the Perkins eligible agency to the list of those who must be consulted about workforce and labor market information. States will need more time to fully address this element, along with the requirements in 2(c)(v), which will require meaningful consultation with the state workforce development board. We recommend striking the requirements stated in 2(c)(iii) and (v) from the transition plan and only requiring their submission in the full four-year state plan.
  - On page 15, 2(c)(vii) is a new provision of Perkins V and state CTE leaders will not have all of the data needed to adequately address this provision in the transition plan. This requirement requires eligible agencies to address how they will “improve outcomes and reduce performance gaps for CTE concentrators, including those who are members of special populations.” However, Perkins V introduces new definitions for CTE concentrators and special populations. Most states will not have the ability to run the data on these new populations to be able to see where performance gaps exist and therefore, how to reduce them, by the time the transition plan is due. We recommend striking the requirements stated in 2(c)(vii) from the transition plan and only requiring their submission in the full four-year state plan.
  - On page 16, 3(a)(iii-v) are new provisions of Perkins V and state CTE leaders will not have all of the data needed or sufficient time for stakeholder engagement to adequately address these provisions in the transition plan. For example, 3(a)(iii) requires eligible agencies to address how “individuals who are members of special populations will be provided with programs designed to enable individuals who are members of special population to meet or exceed the State determined levels of performance described in section 113.” However, when states submit transition plan, the state determined levels of performance will not yet be established given the new requirements for establishing them, and significant stakeholder input is needed on these elements. We recommend

striking the requirements stated in 3(a)(iii-v) from the transition plan and only requiring their submission in the full four-year state plan.

- **Requirements in the Four-Year Plan:** On page 19, requirement five (for the four-year Perkins V state plan), asks for a description of “how the eligible agency will address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) of Perkins V in each of the plan years, and if no meaningful progress has been achieved prior to the third program year, a description of the additional actions the eligible agency will take to eliminate these disparities or gaps.” We recommend stating that this element “requires eligible agencies to submit their process for data review, monitoring, or strategy development.” It is critical to add this distinction because this element should not require states or locals to include performance gaps or specific interventions for addressing those gaps during their initial plans, since no actual data will be available at that time. Should this element remain unchanged, there will likely be unintended consequences, such as states predicting gaps without the use of data and prescribing specific interventions that will not address the specific gaps that will be identified in future years, when the data is available.
- **Definition of Secondary CTE Concentrator:** On page 19, the definition of a secondary CTE concentrator as defined by Perkins V is included. The concentrator definition was originally developed to help determine which students would be included in each state’s CTE accountability system. Because more than 94% of all high school students enroll in at least one CTE course (as reported by NCES in 2009), and a number of states actually require all students to take at least one CTE course to graduate, a narrow interpretation of this definition (two courses exactly) would mean that the data collected under Perkins V would be nearly identical to that collected under the Every Student Succeeds Act (ESSA). As such, this data will not be useful for program improvement and would not accurately capture students who have invested significantly in CTE programs (and gained the associated benefits). Given this, we strongly recommend allowing states to interpret the definition included in the law to have the meaning that any definition that includes two courses in a program or program of study. This would allow states to define concentrators as students who complete three or four courses in a program of study. As a result, states would be able to meaningfully differentiate between the data on CTE concentrators and the entire high school student population, which will be much more beneficial to program improvement. As many states have worked hard to increase program quality and to build programs of study that cross systems, a sequence of two courses is simply an insufficient threshold for true CTE concentration. In fact, only three states currently use a two course sequence as their definition of a CTE concentrator, so this definition is not in line with the decisions already made by the majority of states.

## **Budget**

Overall, we were pleased to see that the budgetary provisions largely reflect legislative intent. However, there are two budgetary provisions that were of concern to our memberships.

- **Set-Aside for Recruitment of Special Populations to Enroll in CTE:** On page 23, the instructions for submitting the budget form on page 24, indicate that on “Line 6: The amount of funds to be made available for the recruitment of special populations to enroll in career and technical education programs pursuant to section 112(a)(2)(C) of Perkins V. The percent of funds should equal 0.1 percent of the funds allocated to the eligible agency, or \$50,000, whichever is lesser.” We believe a correct interpretation of the statute is to specify that this amount is 0.1 percent of the total state leadership funds, not the entire amount of funds allocated to the eligible agency. The construction of this set-aside is consistent with the set-aside for preparing individuals for non-traditional fields, which is \$60,000-\$150,000 out of state leadership funds, and therefore should be interpreted similarly (that the set-aside is out of state leadership and not the full state grant). Alternatively, the set-aside for serving individuals in state institutions, which is out of the total amount of funds allocated to the eligible agency specifies that in the legislative text stating “an amount equal to not more than 2 percent of the amount allotted to the State under section 111.” This language is absent from the language describing the set-aside for recruiting special populations to CTE programs, which states,

“not more than 10 percent to carry out State leadership activities described in section 124, of which -- (C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs, which shall be not less than the lesser of--(i) an amount equal to 0.1 percent; or (ii) \$50,000.”

- **Reserve Fund:** On page 24, the instructions for submitting the budget form on page 24 indicate that the amount of funds to be reserved under section 112(c), if any, must be listed separately by secondary and postsecondary recipients (line 9 and line 10 respectively). We are concerned that requiring separate line items for secondary and postsecondary recipients will discourage collaboration across secondary and postsecondary levels and would not allow for such funds to be distributed to consortia that include both secondary and postsecondary. We recommend that lines 9 and 10 be combined to show the total amount reserved for both secondary and postsecondary recipients, or for a third option to be added for distribution methods that encompass both secondary and postsecondary recipients.

### **Data and Accountability Provisions**

We are pleased that the Department has utilized the transition period to allow states to better plan and implement the extensive new requirements for data and accountability under Perkins V, and to begin to collect baseline data. We also recognize that additional transition authority may need to be exercised. Given that states will not be selecting their secondary quality indicator until their transition year (through stakeholder input) the first year of the four-year state plan may, in turn, need to be treated as a transition year for this indicator because of when baseline data will be available (particularly for states that decide on an indicator for which they have not previously collected data with the new concentrator definition). We also strongly agree with the Department’s approach to the secondary program quality indicator and the clear delineation of separate performance indicators rather than a meta-indicator, which matches congressional intent. While more detailed concerns related to data and accountability provisions will be noted in comments related to the Consolidated Annual Report submission, below are a few suggested changes related to content specifically included in the draft State Plan Guide.

- **Name of Placement Indicators:** Measures 3S1 (page 28) and 1P1 (page 30) are given names in the new numbering structure that do not fully or accurately represent the intended measure. These measures should be renamed to merely “Placement” or something like “Post-program Placement” to more accurately reflect the fact that both measure the number of students who have continued successfully after high school graduation or postsecondary program completion. They include both postsecondary education and employment as positive options, so the name of the measure itself should reflect this breadth. In particular, at the postsecondary level, the inclusion of the word “retention” risks confusion with the Perkins IV retention measure, which was structured very differently from this new measure.
- **Name of Non-traditional Indicators:** Measures 4S1 (page 29) and 3P1 (page 30) are currently labeled “Non-traditional Program Enrollment.” However, this label is confusing since the indicators are measuring the number of concentrators, not merely the number of students enrolled in the programs. We suggest changing the name of this measure to “Non-traditional Program Concentration.”
- **Amending Table for Program Quality Measures:** On page 29, we recommend amending the table to expand the numbering system if a state chooses to submit multiple additional indicators. As currently presented, the chart only allows for one -- 5S4 for “other” program quality measures.

### **Comments on the Supporting Statement for Paperwork Reduction Act Submission**

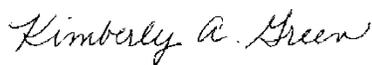
- **Burden Hours for State Plan Development:** On page 6, the estimated number of burden hours for Fiscal Year 2020 (the time during which the Perkins V state plan must be developed and submitted and adhere to the legislation’s planning and coordination requirements) is 74 and states that “information collection has increased modestly from the prior Perkins IV legislation.” This estimate is far too low; the amount of time that must be dedicated to developing and submitting a Perkins V state plan that must occur in FY20 is substantial and the differences between the data and information

collection in Perkins IV compared to Perkins V is significant. New requirements for the development of guidelines for the comprehensive local needs assessment, the establishment of the state determined levels of performance and the additional stakeholder engagement are all powerful opportunities, but they also represent new requirements that will take significantly more time to fulfill than those under Perkins IV. For example, the stakeholder engagement required to develop a state plan alone could take more than 74 hours: compared to Perkins IV, Perkins V expands the list of required stakeholders, introduces two additional meetings with the Governor, and adds a public comment period for both the state determined levels of performance and the state plan. In addition, data collection in Perkins V compared to Perkins IV is much more robust given the new requirement to disaggregate by the program level. Again, while this is a tremendous opportunity for CTE leaders to identify disparities and gaps in performance and develop strategies for how to close those gaps, we must be realistic about the amount of time it will take to collect this data and believe the estimate of 74 hours does not reflect the reality and burden imposed on states.

- Cost Burden for Collection of Information: On page 7, the estimate for the “annual cost burden to respondents or record keepers resulting from the collection of information” is zero dollars. It also states that “estimates should take into account costs associated with generating, maintaining and disclosing or providing the information.” It is important to note that the collection of information in Perkins V is substantially different from the prior statute and as such, there will be new costs associated with generating the information needed to be compliant with the law. For example, Perkins V contains a definition of a secondary CTE concentrator that is consistent with the definition used currently in only three states. This alone will require most states to update the way they collect information (i.e., through state data systems). This means the creation of new business rules for data collection, re-coding state data collection systems, potentially buying access to new data from other sources or agencies, running new baseline data, etc. In addition, new core indicators of performance at the secondary and postsecondary levels, along with additional data needed for the new disaggregation requirements represent significant shifts that will need to be reflected in state data systems. Given these changes, most states will make a sizeable investment in updating their data systems to remain compliant with Perkins V and it is simply inaccurate to state that these provisions will incur zero cost.

We hope the U.S. Department of Education’s Office of Career, Technical, and Adult Education (OCTAE) will carefully consider these suggestions and requests for clarification to ensure that state CTE leaders have the specific guidance needed to rethink CTE and develop Perkins V state plans that are ambitious and bold. Please feel free to contact Kathryn Zekus ([kzekus@careertech.org](mailto:kzekus@careertech.org)), Advance CTE’s Senior Associate, Federal Policy, or Alisha Hyslop ([ahyslop@acteonline.org](mailto:ahyslop@acteonline.org)), ACTE’s Director of Public Policy, should you have any questions about our comments.

Sincerely,



Kimberly A. Green  
Executive Director  
Advance CTE



LeAnn Wilson  
Executive Director  
ACTE