



April 1, 2020

The Honorable Bobby Scott  
Chairman  
House Committee on Education and Labor  
1201 Longworth House Office Building  
Washington, DC 20515

The Honorable Lamar Alexander  
Chairman  
Senate Committee on Health, Education,  
Labor, and Pensions  
455 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Virginia Foxx  
Ranking Member  
House Committee on Education and Labor  
2462 Rayburn House Office Building  
Washington, DC 20515

The Honorable Patty Murray  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions  
154 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman Scott, Chairman Alexander, Ranking Member Foxx, and Ranking Member Murray:

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, the nation's longest-standing not-for-profit that represents State Directors and leaders responsible for secondary, postsecondary and adult Career Technical Education (CTE) across all 50 states and U.S. territories, this memo summarizes input we have gathered from our memberships related to their emerging and forecasted needs as a result of the COVID-19 (Coronavirus) pandemic.

This pandemic is taxing and testing our nation's educational, digital and technology infrastructure. The CTE community, which is the talent pipeline for many of our nation's skilled workers, is not immune to these challenges. The following recommendations include suggestions for new investment priorities, as well as needed waivers or flexibilities in federal statute or policy.

### **New investments priorities**

- **Distance Learning:** With widespread closures of educational institutions across the country, whether temporary or for the remainder of the instructional year, distance learning is being relied on as the primary means for delivering all instruction, including CTE. Based on discussions with our members, we know there are significant discrepancies among states and local communities with regard to their experience, expertise, digital and physical infrastructure to successfully carry out distance education. In addition, the delivery of lab-based or hands-on CTE courses can be extremely difficult to operationalize in a distance learning environment. In general,

postsecondary institutions have more experience and infrastructure to transition to online delivery of instruction. The challenge for postsecondary systems is to deliver at scale and across content areas, both now in the state of emergency and to prepare for the forecasted, significant influxes of students seeking reskilling. Most secondary education is delivered in person. As such, the shift to online instruction has had a more significant short-term impact on secondary schools. Secondary schools have been working tirelessly to put in place the equipment and online curriculum and instruction platforms to deliver instruction, and to find creative solutions to applied tasks. *A major focus of any new investment must support this massive systemic shift in educational delivery to include professional development of instructors and ensuring equitable access to curriculum, laptops and broadband access by learners.*

- **Digital and Physical Infrastructure:** The necessary digital and physical infrastructure to provide CTE programs via distance education at scale does not exist in our country and is especially lacking in rural communities and for low-income populations. Challenges to be addressed include ensuring that every learner has a computer (or digital device) and access to reliable internet access sufficient to support synchronous online instruction. At a systems level, investments are needed to expand existing online learning platforms or invest in new platforms, ensuring that these platforms are secure and protect student privacy. To meet the current and future demand, an infusion of new funding is needed to expand online classrooms to reach every secondary, postsecondary and adult CTE student, regardless of zip code.
- **Professional Development:** The rapid shift to delivering instruction via distance education has placed an immediate burden on the shoulders of secondary and postsecondary instructors. Many are making this shift with limited experience or expertise. Widespread and extended professional development is needed to ensure that instructors are able to successfully utilize digital learning tools and platforms to provide learners with CTE instruction and educational experiences to meet the competencies defined in state and industry standards. Further, to retain those new to the teaching profession, ongoing support and mentoring is needed.
- **Equity and Access:** The Coronavirus has shined a light on the nation's digital divide, which has only expanded in the past few weeks given the growing reliance on online delivery of education. It is imperative that states and local communities have the resources to ensure that every school system and postsecondary institution is equipped to provide a high-quality education to each learner. Flexibilities in the existing Perkins funding formula can ensure rural areas and others in need are able to obtain the funding necessary to expand access.

- **Work-Based Learning:** Work-based learning is one of the key components of high-quality CTE programs. The full impact of the pandemic on our nation’s economy has not yet been calculated. Based on historical experience, we know work-based learning placements are more difficult during a recession. Investments are needed to incubate innovation in the delivery of virtual work-based learning; to expand equitable access to and scaling of workplace simulations; and to provide subsidies for employers and students to incentivize and support these experiences. Note: Perkins funds currently cannot be used for subsidies, nor are employers eligible grantees.

### **Requested statutory flexibility or waivers**

**Establish a Redistribution waiver (Perkins):** One of the emerging challenges for local school districts and postsecondary institutions relates to the allocation of their remaining FY 2019 Perkins funds before the fiscal year ends on June 30. Many recipients had planned to use funds for activities near the end of the school year or in early summer. For example, funds may have been budgeted for Career and Technical Student Organization conferences, or professional development for educators. These activities have been cancelled or postponed until later in the summer or fall, leaving schools with additional funds remaining, but no real opportunity to spend those funds at the current time in ways that meet the original goals. Current Perkins law requires that any funds remaining at the end of the year be returned to the state and added to the formula for distribution among all recipients in the following year. Additional flexibility is needed to allow local recipients to keep this funding so that needs can still be met once school resumes, professional development is rescheduled, or other purchases can be made. Providing the Secretary the authority to waive Perkins Section 133(b) for one year would provide this needed flexibility.

**Extend National Emergency Education Waivers to all Perkins eligible agencies (CARES):** The CARES Act provided flexibility for national emergency education waivers to states (section 3511). This broad waiver authority was intended to cover all educational programs, including Perkins. However, the construction of the language extends the authority to state education agencies (SEA) and Indian tribes but excluded some agencies that administer Perkins. Currently, 13 states (CO, HI, ID, IN, KS, LA, MN, MT, ND, OK, WA, WI, WV), have selected a state agency other than the SEA to administer the state’s Perkins funds. In order to have this flexibility extended to all state agencies that administer Perkins, a minor amendment is needed to this language or an additional waiver needs to be added to a future stimulus bill to extend the waiver flexibility to these agencies with regard to their oversight of Perkins. There are two places where the Perkins eligible agency should be added to the CARES legislative language, as noted below.

#### ***SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.***

*(a) In General.—Notwithstanding any other provision of law, the Secretary may, upon the request of a State educational agency, Perkins eligible agency or Indian tribe, waive any statutory or regulatory provision described under paragraphs (1) and (2) of subsection (b), and upon the request of a local educational agency, waive any statutory or regulatory provision described under paragraph (2) of*

*subsection (b), if the Secretary determines that such a waiver is necessary and appropriate due to the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5191\(b\)](#)) with respect to the Coronavirus Disease 2019 (COVID–19).*

*(c) State And Local Requests For Waivers.—*

*(1) IN GENERAL.—A State educational agency, [Perkins eligible agency](#), local educational agency, or Indian tribe that desires a waiver from any statutory or regulatory provision described under subsection (b)(2), may submit a waiver request to the Secretary in accordance with this subsection.*

**Rescind supplement not supplant provisions for one year (Perkins):** Given the challenges facing states and locals in meeting the rapidly changing needs of learners, providing the Secretary of Education the ability to waive section 211(a) of Perkins, supplement not supplant provisions, for one program year would allow the flexibility to spend federal funding on identified and emergent needs without concern of violating this provision.

**Expand pooling flexibility (Perkins):** As states and local communities are creating solutions to support high school seniors in securing required credits, clinicals and competencies to successfully complete high school and transition to postsecondary education, flexible collaboration between secondary and postsecondary institutions will be necessary. States are looking at CTE-related "bridge" programs, expanding dual enrollment programs to allow high school students to participate in postsecondary CTE online offerings, etc. To provide for additional collaboration among the systems, we recommend expanding the pooling option allowed for in section 135(c) of Perkins, which is currently restricted to only pooling funds for professional development (the reference to subsection (b)(2)). This could be accomplished by simply modifying the clause below by striking the (2).

*(c) POOLING FUNDS.—An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection(b)(2).*

Thank you for your support of CTE and for your consideration of these recommendations. If you have any questions, please feel free to reach out to Kimberly Green, Advance CTE's Executive Director at [kgreen@careertech.org](mailto:kgreen@careertech.org) or Alisha Hyslop, ACTE's Director of Public Policy at [ahyslop@acteonline.org](mailto:ahyslop@acteonline.org).

Sincerely,



LeAnn Wilson  
Executive Director  
ACTE



Kimberly A. Green  
Executive Director  
Advance CTE