



Legislative Bulletin.....July 26, 2006

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S. 250 — Conference Report, Carl D. Perkins Career and Technical Education Improvement Act of 2005

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: unknown

Total Cost of Discretionary Authorizations: \$1.335 billion for FY06, and \$9.8 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: unknown

Total New Private Sector Mandates: unknown

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

S. 250 — Carl D. Perkins Career and Technical Education Improvement Act of 2005, Conference Report — Sen. Enzi (R-WY)

Order of Business: The Conference Report is scheduled for consideration on Wednesday, July 26, 2006, subject to a closed rule (H.Res. 946).

Summary: S. 250 would amend and expand the Carl D. Perkins Vocational and Technical Education Act of 1998 (VTE) and reauthorize and revise secondary and postsecondary vocational education programs through fiscal year 2012.

Specific provisions in the Conference Report are as follows:

- S. 250 directs each state to establish performance measures to assess the effectiveness of the state and the eligible recipients of the state in achieving statewide progress in career

and technical education activities. In addition, local educating agencies must establish local standards for performance to increase accountability performance.

- Directs Health and Human Services (HHS) to collect performance information about, and report on, the condition of career and technical education and on the effectiveness of state and local programs, services, and activities. HHS would be required to submit their findings to Congress.

Note: Vocational education programs provide occupational preparation mostly at the high school level and at less-than-four-year postsecondary institutions, such as community colleges. These programs are aimed mainly at the majority of high school students who do not go on to earn bachelor's degrees. According to CBO, although VTE provides specific federal assistance for secondary and postsecondary vocational education, these funds account for a small percentage of the total spent on vocational education in the United States.

- S. 250 would allow states to choose to consolidate all, or a portion of, Tech-Prep program funding with their Perkins state grant, to create one program. States choosing not to merge their program funding would be subject to increased accountability on their Tech-Prep performance and achievement. This is different from the House-passed version of the bill, which repealed the Tech-Prep program and merged funding for Tech-Prep programs with the vocational education state grant program. In addition, Tech-Prep was added to the list of local uses for the state grant program reserve fund.
- Directs HHS to appoint an independent advisory council to advise and analyze findings and recommendations resulting from a national program assessment. Also authorizes HHS to award new incentive grants to eligible agencies for exemplary performance in carrying out VTE programs under the Act.
- Increases VTE grant amounts for Guam, American Samoa, and the Commonwealth of the Mariana Islands, and directs the Secretary to make a grant to the Republic of Palau.
- Authorizes grants to Indian tribes, Native Alaskans, and Native Hawaiians to be used to provide stipends to students who are enrolled in career and technical education programs and have "acute economic needs, which cannot be met through work-study programs." Also authorizes HHS to award grants to community-based organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs for the benefit of Native Hawaiians.

Note: Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in federal courts. Providing additional financial assistance to this group is not only duplicative of current federal education programs, but is also likely unconstitutional. In addition, the RSC FY07 Budget proposed to terminate Native Hawaiian vocational education funding.

- Authorizes such sums as necessary for new grants to tribally controlled postsecondary career and technical institutions to provide basic support for the education and training of Indian students.
- Allows career and technical education programs offered by states and local agencies to provide “entrepreneurial” activities and education.
- Significantly amends current requirements for state plans required for eligibility under the Act. One such change includes requiring the plan to cover a six-year period, instead of a five-year period.
- Prohibits construing the Act to authorize federal mandates for state or local curricula or payment of any costs not paid for under the Act.

Additional Information:

History of Federal Vocational Education Funding:

Prior to 1963, federal vocational education funding was generally focused on occupations relating to national defense, beginning with the Smith-Hughes Act of 1917. In 1963, the Vocational Education Act was signed into law. Five years later, the Vocational Education Amendments of 1968 modified the existing vocational education programs. The Amendments also established a National Advisory Council on Vocational Education and provided funding for collecting and disseminating information about programs administered by the Commissioner of Education.

In 1984, the Vocational Education Act was renamed the Carl D. Perkins Vocational Education Act (Perkins I, P.L. 98-524). While continuing federal support for vocational education, it established programs emphasizing the acquisition of job skills through both vocational and technical education. The Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Perkins II, P.L. 101-392) made several revisions to the 1984 Act. Notably, the act created the tech-prep program designed to coordinate secondary and postsecondary vocational education activities into a coherent sequence of courses. The law also provided up to 25 percent of funds for state programs and required that at least 75% of funds be allocated to local recipients. The law also required states to develop and implement performance standards and measures (e.g., program completion and job placement) to assess gains in learning and in program performance.

President Clinton signed into law the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 (**Perkins III**). Perkins III, funded at \$1.328 billion in FY2004, provides **specific** federal assistance for secondary and postsecondary vocational education, although these funds account for a small percentage of the total spent on vocational education in the United States.

Possible Conservative Concerns:

In the OMB publication *Major Savings and Reforms in the President's 2006 Budget*, the following statements are made regarding vocational education:

- The Vocational Education State Grants program was rated “ineffective because it has produced little or no evidence of improved outcomes for students despite decades of increasing Federal investment,” using the Administration’s Program Assessment Rating Tool (PART).
- The National Assessment of Vocational Education found “no evidence that high school vocational courses themselves contribute to academic achievement or college enrollment.”
- The Administration’s PART found “that the program [Tech-Prep] could not demonstrate results based on a series of national evaluations indicating that the program provides no measurable advantage for high school students in terms of high school completion, postsecondary enrollment, and academic achievement.”

In addition, the bill provides funding and grants for Native Hawaiians. As noted above, Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in federal courts. Providing additional financial assistance to this group is not only duplicative of current federal education programs, but is also likely unconstitutional.

Committee Action: The House passed H.R. 366 (the House version of S. 250), by a vote of 416-9, on May 4, 2005.

Cost to Taxpayers: There is no CBO estimate available for S. 250. However, a previous score on H.R. 366 indicated that the bill would **authorize appropriations of \$1.335 billion** for fiscal year 2006 (a small increase over the FY05 appropriated level of \$1.333 billion). CBO also estimates that it **would authorize \$9.8 billion for fiscal years 2006 through 2012.**

When the Perkins Vocational and Technical Education Act was last reauthorized under in 1998, “such sums” were authorized for FY99 through 2004. The actual appropriation for FY99 was \$1.15 billion.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates new incentive grants and a new independent advisory council, and increases grant amounts to territories.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Unknown

Constitutional Authority: The Committee Report for H.R. 366 (109-25), cited authority for this legislation under Article I, Section 8, Clause 1 (the power to collect revenue for the general welfare) of the Constitution.

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