

**Educational Opportunity Centers (EOC)
Summary of Public Comments on
Proposed Changes to the 2012 Annual Performance Report (APR)
Following 30-Day Review Period**

On March 19, 2013, the Department of Education (Department) published a second Notice of Proposed Information Collection Request (Notice) in the Federal Register inviting comments by April 18, 2013, on the proposed annual performance report (APR) for the Educational Opportunity Centers (EOC) Program. Twelve respondents submitted approximately 29 individual comments (i.e., multiple comments from respondents). A summary and analysis of the comments as well as information on changes to the proposed EOC APR in response to these comments follow.

**Section II: Demographic Profile of Project Participants, Target Schools,
and Invitational Priorities**

Competitive Preference Priority (Military-Connected Students, Section II, F)

Comments:

Two commenters recommended that the term “if applicable” be removed from the military-connected students category, since the program regulations allow projects to serve veterans regardless of whether or not the grantee’s application addressed the competitive preference priority to serve military-connected students.

Discussion:

We agree with this recommendation.

Action Taken by ED:

The program regulations in 34 CFR 644.3 (3)(b) allows projects to serve veterans regardless of age; therefore, the words “if applicable” have been removed from this category. An EOC project may report on the number of veterans served and the numbers of military-connected student in Section II, F.

Other Federal Programs (Section II, H)

Comments:

One commenter recommended deleting the section of the APR that requests information on EOC participants served by another federally funded program. The commenter believes that to require EOC projects to collect these data is an undue burden on projects since there are over 1600 programs funded through the federal government.

Discussion:

As stated in the 60-day comment responses, according to 34 CFR 644.32, “What other requirements must a grantee meet?,” a grantee is required to maintain a record of, “to the extent

practicable, any services the EOC participant receives during the project year from another federal TRIO program or another federally funded program that serves populations similar to those served under the EOC program.” This provision does not require grantees to provide data on all federal government programs in the target area for which the EOC participant may receive assistance. Further, 34 CFR 644.11 requires that at the time the project applied for grant funds, the grantee provided an assurance that the project would collaborate with other Federal TRIO projects, or programs serving similar populations or target area in order to minimize the duplication of services and promote collaborations so that more students can be served. Because the purpose of these regulatory provisions is to “minimize the duplication of services and promote collaboration, a grantee needs only to report on services an EOC participant received from other federal programs that provide the same or similar services as those provided by the EOC project. For example, it is conceivable that an EOC project works in collaboration with the Department of Veteran Affairs (VA) by referring participants to the VA’s General Equivalency Diploma (GED) program. The GED program would represent a service the participant received from another federal Program.

Action Taken by ED:

The APR instructions have been revised to clarify the recordkeeping and reporting requirements with regard to services other federal programs provide EOC participant.

Invitational Priority #2 (Section II, J2)

Comments:

A commenter recommended that the term “school level partners” be defined in the instructions as it was not clear to the commenter how the term applies to services provided by adult education programs. The commenter also suggested that additional rows be added to the form since some projects partner with a large number of organizations in order to meet their objective of serving a minimum of 1000 participants.

Discussion:

The Department included this invitational priority in the FY 2011 EOC grant competition to encourage EOC projects to expand upon their existing relationships and coordinate the activities and services they provide their target population with other government and community organizations in order to carry out projects that are cost effective and best meet the needs of adult learners, including veterans. The Department has determined that a school-level partner may be a secondary school or a postsecondary institution. An EOC project which provides services to Talent Search eligible participants will collaborate with secondary schools (target schools) as their school-level partners. However, because Section II, I of the APR form provides an opportunity for projects to list their target schools, an EOC project is not required to list these school-level partners again in Section II, J2. Because an EOC project may also work in collaboration with postsecondary institutions to ensure that the postsecondary enrollment objective is attained, the EOC project should list their postsecondary education partners in Section II, J2 under the column for school-level partners. In addition, an EOC project may also serve as a catalyst for fostering collaborative outreach within the community to access and

leverage community resources. Section II, J2 also provides space for projects to list their community partners.

In terms of adult education programs, it is possible that the programs may be offered by a secondary school or district, a postsecondary institution, or a community organization. The grantee should list these partners under the appropriate column based on the type of entity providing the services. The Department agrees with the recommendation to increase the number of row available on the form for listing the community and school-level partners.

Action Taken by ED:

The Department will increase the number of rows under the school-level partners and community organizations to ten. The Department has also revised the APR instructions to clarify what information should be reported in the Section II, J.

Definitions that Apply to Sections III and IV

Comments:

Two commenters suggested amending the postsecondary transfer definition to include participants currently enrolled in a two or four-year institution seeking assistance to transfer to another institution. Currently, participants already enrolled in a postsecondary education program and seeking assistance to transfer can only be counted as a postsecondary student.

Discussion:

The Department does not agree with the commenters to amend the definition. We currently define a postsecondary transfer student as a participant who has already obtained a certificate or two-year degree, but at the time of first service in the budget period, demonstrated an interest in further postsecondary study. In order to assess the EOC program objectives used to award PE points for financial aid, postsecondary admissions, and postsecondary enrollment, a postsecondary transfer, which would be included in the denominator, must meet the current definition of not already enrolled in a postsecondary education program at time of first service in the project year, as stipulated by the objectives.

Action Taken by ED:

None

**Section III: Educational Status of EOC Participants
(at the time of first service in the reporting year)**

Comments:

One commenter stated that students enrolled in an alternative education program currently at a level lower than 12th grade should be counted in a separate section of the APR.

Discussion:

We agree with the commenter that a participant 18 years or younger may be enrolled in an alternative education program at a level lower than 12th grade: however, we do not believe that they should be counted in a separate category. A grantee may report on these students in Section III, B4 (Other participants not older than 18 years). (See page 13 of the APR instructions.)

Action Taken by ED:

None

Comments:

One commenter asked that the Department remove the postsecondary dropout without a secondary school diploma category from Section III, A5. The commenter stated that many programs use the National Student Clearinghouse (NSC) to verify postsecondary enrollment of participants; because the NSC does not capture this information, projects do not have a method to verify if postsecondary dropouts completed a secondary school diploma or credential.

Discussion:

As previously discussed in the Department's responses to the comments received during the first 60-day comment period, the Department needs to collect data on participants with and without a secondary school diploma at the time of first service because the data collected in these categories will be used to establish the denominator for the following EOC program objectives used to award PE points. The denominators for Objective B (Financial Aid Applications); Objective C (Postsecondary Education Admissions), and Objective D (Postsecondary Education Enrollment) include the data collected in Section III, A4 (postsecondary dropout with a secondary school diploma or credential). The denominator for Objective A (Secondary School Diploma) includes data collected in Section III, A5 (postsecondary dropout without a secondary school diploma or credential).

Action Taken by ED:

None

Comments:

Many commenters suggested adding an "Other participants 19 years or older" category to allow reporting of individuals that do not fall into section III: A1-A7. One commenter stated that there are other populations, such as participants with foreign credentials seeking postsecondary enrollment which need a category to be counted.

Discussion:

We agree with this recommendation

Action Taken by ED:

We have added to Section III, A, a category of participants "Other participants 19 years or older" as A8. We renumbered the following categories: A9: Unknown; A10: Total.

Comments:

One commenter requested that the changes to the Educational Status categories in Section III of the APR not be implemented until the third year of the 2011-16 grant cycle because grantees were not advised of the changes in the data fields before the start of the grant cycle. The commenter recommended using the same categories as used on the APR for the 2006-11 grant cycle.

Discussion:

As stated in the 60-day comment responses, the Educational Status categories in Section III were revised to align with the changes to the EOC program objectives and outcome measures as required by the HEOA and to permit a grantee to report on all participants served by the EOC project. Because the new standardized objectives for the 2011-16 grant cycle are used to assess a grantee's progress in meeting its approved objectives and will be used to award prior experience (PE) points in program years two, three and four of the grant cycle, the APR data fields must align with the program objectives. Using the APR data fields from the prior grant cycle (2006-11) without change would not suffice, because some of the fields do not align with the new objectives for the 2011-16 grant cycle.

The Department, however, recognizes that for the 2011-12 reporting year an EOC project may not have used the new Section III data fields when collecting data on the educational status of the EOC participants at the time of first service in the reporting year. Below is a crosswalk table that compares the data fields used in the previous APR form with those fields in the new APR. Except for postsecondary dropout fields, as shown in the table below, it should be fairly easy for a grantee to take the data they have collected for 2011-12 using the old data fields and report the information in the correct new field. For the new data fields for which this is not possible, the grantee may list the educational status of the project participant as "Unknown" in Section III, A9. We recognize that listing the participant's educational status as "unknown" in Section III will mean that the participant's educational status at the end of the reporting year cannot be reported in Section IV because "unknowns" are not included in the denominator for any of the EOC project objectives. The 2011-12 reporting year is the first year in the new five-year grant cycle and will not be used to award PE points for the next EOC grant competition. However, since the data submitted for the next reporting year (2012-13) will be used to calculate PE points, EOC projects must collect and report the educational status of project participants at the time for first service in accordance with the data field on the new APR.

EOC APR Changes to Section III

Prior APR Section III Fields (2006--2011 grant cycle)	New APR Section III APR Fields (2011-2016 grant cycle)	Explanation
A. Educational Status of Project Participants Aged 19 or Older at time of first service in the budget period	A. Educational Status of Project Participants Aged 19 or Older (at time of first service in the reporting year)	
A1. Adult without high school diploma or equivalency credential (19 years or older) and not enrolled in a continuing education program	A2. <u>Adult without a secondary school credential who belongs neither in A1 nor A5</u> --	The new A2 category is similar to the prior A1 category. Though the term “continuing education program” is not used in the new program regulations, there is no change in educational status of these participants.
A2. Adult without high school diploma or equivalency credentials (19 or older) enrolled in a continuing education program at an academic level equivalent to a high school senior	A1. Adult without a secondary school credential, enrolled as a high school or in an alternative education program at a level equivalent to a high school senior	The new A1 category corresponds to the prior A2 category. Though the term “continuing education program” is not used in the new program regulations, there is no change in educational status of these participants.
A3. High school graduates or high school equivalency graduates not already enrolled in a postsecondary school	A3. High school graduates or high school equivalency graduate not already enrolled in postsecondary education	NO CHANGE from prior APR collection on educational status.
A4. Postsecondary dropout	A4. Postsecondary dropout with a secondary school diploma or credential A5. Postsecondary dropout without a secondary school diploma or credential	The prior APR included participants with and without a secondary school diploma in this category. For the new APR, a grantee must now report separately postsecondary dropouts <u>with</u> a secondary school diploma or credential (new A4) and postsecondary dropouts <u>without</u> a secondary school diploma or credential (new A5). If the new information about postsecondary dropouts is not known, the project should count these participants in A9 (Unknown).
A5. Postsecondary Student	A7. Postsecondary student	The new A7 field corresponds to the prior A5 field.
A6. Potential postsecondary transfer	A6. Potential postsecondary transfer	NO CHANGE from prior APR collection on educational status.
A7. Other participants aged 19 or older	A8. Other participants 19 years or older	The new A8 field corresponds with the prior A7 field.
A8. Unknown	A9. Unknown	The new A9 field corresponds with the prior A8 field.
B. Educational Status of High School-Age Students (at time of first service in the budget period)	B. Educational Status of Secondary School-Age Students (at time of first service in the reporting year)	
B1. High school non-senior (9 th – 11 th grade)	B1. High school non-senior (9 th – 11 th grade)	NO CHANGE from prior APR collection on educational status.
B2. High school senior (12 th grade only)	B2. High school senior or in alternative education program (12 th grade only)	The new B2 field includes participants counted in prior B2 and B4 data fields.
B3. Secondary school dropout (not older than 18 years) who has neither reentered school nor enrolled in an alternative education program	B3. Secondary school dropout (not older than 18 years)	NO CHANGE from prior APR collection on educational status.

B4. Participant not older than 18 years enrolled in an alternative education program at an academic level equivalent to a high school senior.	B2. High school senior or in alternative education program (12 th grade only)	New The new B2 field includes participants counted in the prior B2 and B4 data fields.
B5. Other participants not older than 18 years	B4. Other participants not older than 18 years	The new B4 field corresponds with the prior B5 field.
B6. Unknown	No new field	The B6 option for unknown has been removed because the educational status of secondary school-age EOC participants can be included in categories B1-B4 of Section III.

Action Taken by ED:

None

**Section IV: Educational Status of EOC Participants
(at end of budget period or for the following fall term)**

A. Objective: Secondary School Diploma

Comments:

Many commenters requested removing from the denominator for the Secondary School Diploma objective, Section III, B1: high school non-seniors and B4: other participants not older than 18 years, and A2: adults without secondary school credentials, not in high school or in an alternative education program at a level equivalent to a high school senior, because these categories represent participants who are not on track to complete a secondary school diploma during the project year.

Discussion:

As stated in the EOC APR 60-day comment responses, in clearing the application package for FY 2011 EOC grant competition, the Department received numerous comments from the public on the standardized objectives. With regard to objective A: Secondary School Diploma, commenters asked for clarifications regarding which EOC participants would be included in this objective and if it included EOC participants currently enrolled in grades 9 through 11 of high school. The Department responded as follows:

“Although the EOC program primarily serves adults (e.g., 19 and older), we know that many EOC projects provide services to high school students if there is no Talent Search project in the target area. Therefore, the denominator for this objective would include all EOC participants served during the project year who did not have a secondary school diploma or its equivalent at the time of first service. Therefore, high school students served during the project year would be included in the denominator.”

Based on the comments received during the 60-day comment period, we amended the denominator for this objective to consist of the sum of the following: Section III: A1 (Adults

without any secondary school credentials, enrolled in an alternative education program at an academic level equivalent to that of a high school senior), A2 (Adult without any secondary school credentials, and not enrolled in an alternative education program), A5 (Postsecondary dropout without a secondary school diploma or credentials), B1 (High school non-senior), B2 (High school senior or in alternative education program (12th grade only), B3 (Secondary school dropout), and B4 (Other participants not older than 18 years).

Action Taken by ED:

None

Comments:

A few commenters recommended removing Section IV, A2: Enrolled in an alternative education program but did not complete from the category choice, and replacing it with “continued in alternative education” or “continued in high school” because a participant classified as an adult without a high school credential and not enrolled when first served should not be expected to complete a secondary program and graduate in the program year.

Discussion:

In clearing the application package for FY 2011 EOC grant competition, the Department received numerous comments from potential applicants who expressed the same concern that participants not enrolled in an alternative education program at time of first service in the project year should not be expected to complete a secondary program during the project year. As the Department previously stated in response to public comments on the application package, the objective does not state that participants who receive EOC project services must enroll and complete a program of secondary education within a single reporting year. Rather, the objective specifies that a project will count only current-year participants who complete a secondary school program or equivalent during the reporting year for this objective. A participant may have begun the alternative education program one or more years previously but remained a current EOC participant in the year that he or she completed the program by receiving one or more services from the project. Therefore, section IV A2 (Enrolled in an alternative education program but did not complete), should be included as a category for this objective. The Department further advised applicants: “In setting the target for the objective, the applicant is expected to propose objectives that are ambitious and attainable given the plan they develop to address the needs of the target population in their application. The applicant’s objective should consider those individuals that may be served that would not likely complete secondary school during the project year (e.g., 10th graders) and known barriers to success for adult participants, such as waitlists for participation in adult education programs in the applicant’s target area.”

Action Taken by ED:

None

D. Objective: Postsecondary Education Enrollment

Comments:

One commenter recommended including a definition for “college ready” participants. Due to the fact that projects have to report on postsecondary education enrollment, it is important for projects to understand what is required to be an eligible participant.

Discussion:

The Educational Status categories in Section III was revised to align with the changes to the EOC program objectives and outcome measures as required by the Higher Education Opportunity Act (HEOA) of 2008 and to permit a grantee to report on all participants served by the EOC project. The term “college ready” is no longer being used for the EOC program; instead each of the standardized objectives for the EOC program are written to clearly articulate which EOC participants would be counted in the denominator. For example, the denominator for the postsecondary enrollment objective includes secondary school graduates (or equivalents) that were not already enrolled in a postsecondary education program at the time of first service in the project year.

Action Take by ED:

None

Comments:

A few commenters expressed concerns regarding how the numerator for the postsecondary education enrollment objective would be calculated if the project selected Option 1 as the denominator. The denominator for Option 1 would only include those participants that received a secondary school diploma or its equivalent during the reporting year (Section IV, A1) and the numerator should be the number of those participants that enrolled in a postsecondary education program. The commenters noted that in the draft APR, Section IV, D1 (the field used for the numerator for this objective), a grantee is asked to report on all participants who are secondary school graduates (or equivalents) who enrolled in a program of postsecondary education. Therefore, the data reported in this field would include a postsecondary enrollee who earned a secondary school credential during the reporting year (Section IV, A1) and those that had a secondary school credential at the time of first service in the reporting year (Section III, A3, A4, and A6). Therefore, for a grantee that selected Option 1, it would be possible for the numerator to be larger than the denominator resulting in a percentage above 100 percent for this objective.

Discussion:

Upon review of the commenters’ concerns, we agree that the data requested in Section IV, D1 would only collect information needed for the numerator for the Option 2 objective and that this data could not be used for the numerator for the Option 1 objective. In order for the Department to be able to correctly calculate the grantee’s PE points based on the option selected by the grantee, we have revised the data fields in Section IV, D.

Action Taken by ED:

We revised Section IV, D to include two fields for the number of participants enrolled in a postsecondary education program. The new Section IV, D1 reads: “Received a secondary school diploma or equivalent during the reporting year and enrolled in a postsecondary education program;” the new Section IV, D2 reads: “Had a secondary school diploma or equivalent at the time of first service and enrolled in a postsecondary education program.” The data reported in the new Section IV, D1 is the numerator for the Option 1 objective; the sum of the data reported in the new Section IV, D1 and D2 is the numerator for the Option 2 objective. We have also renumbered the following categories: Section, IV, D3: Did not enroll in a postsecondary education program; D4: Deceased; D5: Unknown and D6: Total. We have also revised the APR instructions to reflect the changes we have made to Section IV of the new APR form.

Comments:

One commenter suggested including Section III: B2 (High school senior or in alternative education program (12th grade only)) to the denominator for this objective.

Discussion:

Upon review of the comment, we have determined that Section III: B2 should not be included in the denominator for this objective. EOC regulation 34 CFR 644.22 (d)(3) states that participants who already have a secondary school diploma or equivalent should be counted in the denominator for this objective. Therefore, the denominator for this objective should only include participants who at the end of reporting period possess a secondary school diploma or its equivalent. Participants who at the time of first service were reported high school senior or in alternative education program at the 12th grade level (see Section III B2) and who received a secondary school diploma or credential by the end of the reporting year (refer to Section IV, A1) will be included in the denominator for the postsecondary education objective.

Actions Taken by ED:

None