

**Educational Opportunity Centers (EOC)  
Summary of Public Comments on  
Proposed Changes to the 2012 Annual Performance Report (APR)  
Following 60-Day Review Period**

On November 20, 2012, the Department of Education (Department) published a Notice of Proposed Information Collection Request (Notice) in the Federal Register inviting comments by January 22, 2012, on the proposed annual performance report (APR) for the Educational Opportunity Centers (EOC) program. Changes to the EOC APR were necessitated by changes to the EOC program resulting from the Higher Education Opportunity Act (HEOA) of 2008, the amendments to the EOC program regulations published on October 26, 2010, and the new standardized project objectives implemented under the FY 2011 competition for new grants.

Twenty-four respondents submitted approximately 66 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 follows. Suggestions for minor changes (generally those of a technical nature) are not discussed below, but in response to those suggestions, some clarifications and technical alterations have been made in the revised form and/or instructions.

**Section II: Demographic Profile of Project Participants**

**Comments:**

Numerous commenters recommended deleting the section of the APR that requests information on EOC participants served by another federal-funded program. The commenters believe that to require EOC projects to collect these data is an undue burden on projects since participants may not be able to distinguish between funding sources of projects in which they participate or who may not be forthcoming on their participation in other projects. Another commenter noted that TRIO Student Support Services (SSS) is not listed under this category even though EOC participants would be more likely to participate in this programs that the other programs listed in this section.

**Discussion:**

The requirement for reporting participants who are served by another federally funded program was part of a stated goal in the HEOA to “provide coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend an institution of higher education.” Therefore, this requirement was addressed in the new EOC regulations and the details of the provision was crafted based on significant feedback from the public during the negotiated rulemaking process that preceded the implementation of the regulations (See 34 CFR 644.32, “What other requirements must a grantee meet?”) The 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. Further, in preparing the application for an EOC grant and establishing a need for the project in the target area, the project should be aware of other projects in the target area that are serving the same population and therefore should be working with those other projects to coordinate the delivery of services. Also, per EOC regulations (See 34 CFR 644.11, "What assurance must an applicant submit?") at the time that 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 an EOC project primarily serves participants not yet enrolled in a program of postsecondary education, the list of other federal programs only included some of the Department's pre-college programs. However, we recognize that it is permissible for an EOC project to serve students already enrolled in a program of postsecondary education (see 34 CFR 644.3(a)(3)), therefore, we agree with the commenter that some EOC participants may also be receiving services from a SSS project.

**Action Taken by ED:**

Student Support Services has been added to the list of federal program that also may be serving EOC participants.

**Competitive Preference Priority**

Military-Connected Students

**Comments:**

Several commenters recommended that veterans be included in the "military-connected students" demographic since veteran is included in the definition in the FY 2011 Notice Inviting Applications for EOC grants.

**Discussion:**

The Secretary's intention is not to exclude eligible veterans from being counted in the total number of military-connected student served. In the draft APR, "Veterans served" was listed as a separate part F. However, since the definition of "military connected students" includes "a student who is a veteran of the uniformed services," the Department will include a category for veterans served by EOC projects in the "military connected students" part of the APR.

**Action Taken by ED:**

A line for veterans has been added to the "military connected students" section of the APR. In addition, "Veterans served" (Section II, F of the clearance draft of the APR) has been dropped as a separate category. "Military-connected students" has been relabeled as part F. All subsequent parts have also been relabeled as follows: G: Participants with Limited English Proficiency; H: EOC participants also served during the reporting year by another federally funded program I: Target Schools; J: Invitational Priorities (if applicable).

**Comments:**

Other commenters were concerned that the term “active duty” was not included in the Federal Register notice and therefore should not be included in APR.

**Discussion:**

The term “active duty” was included in the definition of “military-connected students” in the Notice Inviting Applications which was published in the Federal Register on April 6, 2011 (pp. 19063-19067).

**Action Taken by ED:**

None

**Section III: Educational Status of EOC Participants**

**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:**

These 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.

**Action Taken by ED:**

None

**Comments:**

One commenter recommended that section III A5 (postsecondary dropout without a secondary school diploma or credentials) and A7 (postsecondary student), be combined in the APR for the 2006-11 grant cycle.

**Discussion:**

We believe there may be a typographical error in the comment regarding which fields should be combined. The APR used for the 2006-11 grant cycle had separate fields for postsecondary

dropout and postsecondary student. The change in the new APR is to have two fields for postsecondary dropouts; one for postsecondary dropout with a secondary school diploma or credential (A4) and another field for a postsecondary dropout without a secondary school diploma or credential (A5).

The Department need 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 field A4 (postsecondary dropout with a secondary school diploma or credential). The denominator for Objective A (Secondary School Diploma) includes data collected in field A5 (postsecondary dropout without a secondary school diploma or credential).

**Action Taken by ED:**

None

**Comments:**

One commenter stated that collecting data on middle school aged participants (Section III, B1 of clearance draft of APR) is not related to the EOC objectives and should therefore be deleted.

**Discussion:**

34 CFR 644.3(a)(2)(ii) of the EOC program regulations states that an EOC project may serve individuals less than 19 years of age who cannot be appropriately served by a Talent Search (TS) project under 34 CFR 643. Although some EOC projects serve high school students, few, if any, EOC projects do not serve middle school students. We agree with the commenter that this category is unnecessary. In the unusual situation whereby an EOC project serves a middle school population, these participants can be reported in the “Other participants not older than 18 years” category.

**Action Taken by ED:**

We have removed the “Middle school” category (Section III, B1 of draft APR). All subsequent categories have been relabeled as follows: Section III, B1: High school non-senior (9<sup>th</sup>-11<sup>th</sup> grade); B2: High school senior or in alternative education program (12<sup>th</sup> grade only); B3: Secondary school dropout (not older than 18 years); B4: Other participants not older than 18 years; and B5: Total.

**Comments:**

Many commenters asked that the Department add a category for participants 19 years or older that are enrolled as a high school senior or in an alternative program at an academic level equivalent to that of a high school senior.

**Discussion:**

A project should report participants who are 19 years or older who do not have a secondary school credential at the time of first service, in Section III, A1. We agree with the commenters

that a participant 19 years or older may, in unusual situations, be enrolled in high school; therefore, we have revised Section III, A1 to address this possibility. Participants not older than 18 years of age can be counted in section III: B4 (Other participants not older than 18 years).

**Action Taken by ED:**

Section III, A1 has been revised as follows: Adult without any secondary school credential who is enrolled as a high school senior or who is enrolled in an alternative education programs at an academic level equivalent to that of a high school senior.

**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.

**Discussion:**

Based on making the change to Section III, A1 to include those adults (19 years or older) who are enrolled in high school as a senior, we believe the categories (Section III A1-A7) provided will allow the project to accurately report the Educational Status of all adult EOC participants.

**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 Section III, B2: high school non-seniors and B4: secondary school dropouts from the denominator, as those fields are inconsistent with the wording of the denominator on page 7 of the clearance draft of the APR which stated: “the denominator is the number of participants, at the time of first service in the reporting year, who were high school seniors or in an alternative programs.”

A few commenters recommend including “Other participants not older than 18 years” (Section III, B5 of clearance draft of the APR), in the denominator.

**Discussion:**

Upon review of the commenters’ concern, the Department identified a typographical error in the description of the denominator for Objective A: Secondary School Diploma, on page 7 for the clearance draft of the APR. The words “who were high school seniors or in alternative education program” incorrectly described the educational status of all participants that should be included in the denominator. To be consistent with the wording of the standardized objective, the denominator for Objective A includes all participants served during the project year that did not

have a secondary school diploma or its equivalent at this time of first service in the project year. Therefore, we also agree with the commenters that “Other participants not older than 18 years” should be included in the denominator for this objective.

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.”

**Action Taken by ED:**

We have corrected the typographical error on the APR form in the description of the denominator by removing the words “who were high school seniors or in an alternative program” and replacing those words with “who did not have a secondary school diploma or its equivalent.”

Further, as noted above, based on a commenter’s recommendation, we have removed “middle school aged participants” from the categories in section III, B. Therefore, we have renumbered the categories in section III, B as follows: B1, High school non-senior (9<sup>th</sup> – 11<sup>th</sup> grade); B2, High school senior or in alternative education program (12<sup>th</sup> grade only); and B3, Secondary school dropout (not older than 18 years), and B4 (Other participants not older than 18 years).

Based on the above changes, the denominator for this objective consists 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 (12<sup>th</sup> grade only), B3 (Secondary school dropout), and B4 (Other participants not older than 18 years).

**Comments:**

A few commenters recommended removing Section III, A2 from the denominator 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 secondary school 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, A2 (Adults without any secondary school credential, and not enrolled in an alternative education program), is be included in the denominator 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., 10<sup>th</sup> 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

**Comments:**

Several commenters suggested adding a category to Section IV, A (Educational status of EOC Participants at the end reporting year) for participants who were enrolled in high school program but and did not complete.

**Discussion:**

We agree with this recommendation.

**Action Taken by ED:**

We have added to Section IV, A, a category of participants “enrolled in high school but did not complete” as A3. We also revised the “Not enrolled” category as follows: “Not enrolled in high school or an alternative education program.” We renumbered the following categories: A3: Enrolled in high school but did not complete; A4: Not enrolled in high school or an alternative education program; A5: Deceased; A6: Unknown; and A7: Total.

**B. Objective: Financial Aid Applications  
and  
C. Objective: Postsecondary Education Admissions**

**Comments:**

One commenter noted that some EOC projects serve postsecondary students, but these projects are not permitted to count these participants in this objective. The commenter recommended

adding A7 Postsecondary Student (Section III, A7), to denominator for the Financial Aid Application objective.

**Discussion:**

The purpose of the EOC program is to provide information regarding financial and academic assistance available for individuals who desire to pursue a program of postsecondary education (see 34 CFR 644.1(a)). Because an EOC project primarily serves participants not yet enrolled in a program of postsecondary education, this objective was written for that population. The standardized objectives for the EOC program for the 2011-16 grant cycle are written so that it was clear to applicants what participants would be included in the denominator and the numerator for each objective so that applicants would be able to set ambitious and attainable objectives for their projects. The Financial Aid Applications objective clearly states that this objective only includes “participants who at the time of first service in the project year were not already enrolled in a program of postsecondary education.” Therefore, the Department will not change the wording of this objective to address the recommendation of the commenter.

**Action Taken by ED:**

None

**Comments:**

One commenter noted what appear to be conflicting information in the draft APR instruction as to what constitutes the denominator for Financial Aid (Objective B) and Postsecondary Education Admissions (Objective C). The commenter is recommending that Section III, A1, A3, A4, A6, and B3, be included in the denominator for these objectives.

**Discussion:**

Upon review of the commenter’s concern, we were unable to find any discrepancy in the fields that constitute the denominator for these objectives. The denominator includes all participants who at the time of first service in the project year were not already enrolled in a postsecondary education program and who: (1) were high school seniors or equivalents in alternative education programs; (2) were high school graduates; or (3) had obtained a high school equivalency certificate. The only change we have made to the data fields to be included in the denominator is the relabeling of the fields in Section III, Part B. The field number for high school senior has been changed from B3 to B2. Therefore, the denominator for these objectives is the sum of Section III: A1, A3, A4, A6, and B2.

**Action Taken by ED:**

None

**Comments:**

One commenter recommended that the description of the denominator for Objectives B (page 8 of the clearance draft of the APR) be changed from “received a secondary diploma” to ‘who have received’ or ‘who have earned’ or ‘who possess’ a secondary diploma. The commenter felt the

wording implied that only those who completed the high school credential in this program year are in this group.

**Discussion:**

Upon review of the commenter's concern, we agree with the commenter that the description of the denominator for Objectives B and C on the clearance draft of the APR form was not precise and might imply that "only those who completed the high school credential in the program year" are part of the denominator.

**Action Taken by ED:**

We have revised the description of the denominator for Objectives B and C as follows: The denominator is the number of participants who at the time of first service in the project year were not already enrolled in a postsecondary education program and who: (1) were high school seniors or equivalents in alternative education programs; (2) were high school graduates; or (3) had obtained a high school equivalency certificate (Section III, A1, A3, A4, A6, and B2). As discussed previously, the field number for high school senior has been changed from B3 to B2.

**Comments:**

One commenter requested clarification on which participants to include in the objective when participants complete the financial aid worksheet but do not submit an online application.

**Discussion:**

The Department will only count the number of participants that actually applied for financial aid during the reporting period. Receiving services related to financial aid from the project is insufficient grounds for including a participant in Section IV. The individual must have actually applied for the aid (34 CFR 644.22(d)(4)).

**Action Taken by ED:**

None

**Comments:**

A few commenters are concerned and unclear why the Department states "and applied for financial aid" in the denominator (section IV). It implies that only participants who apply for financial aid are eligible to be counted.

**Discussion:**

We agree with the commenter that "and applied for financial aid" in the denominator was a typographical error in the clearance draft of the APR form.

**Action Taken by ED:**

The words "and applied for financial aid" have been deleted from the description of the denominator for this objective. The denominator for this objective now reads: The denominator is the number of participants who at the time of first service in the project year were not already enrolled in a postsecondary education program and who: (1) were high school seniors or

equivalents in alternative education programs; (2) were high school graduates; or (3) had obtained a high school equivalency certificate (sum of Section III, A1, A3, A4, A6, and B2).

#### **D. Objective: Postsecondary Enrollment**

##### **Comments:**

One commenter recommended Section III, B3 (high school senior or in an alternative education program (12<sup>th</sup> grade only), be included in the denominator if the first option is selected since the participants are in the 12<sup>th</sup> grade or senior equivalents and under 18 and are college ready.

##### **Discussion:**

With the deletion of B1 middle school students, Section III B3 (high school senior or in an alternative education program) is now Section III B2. The denominator for option 1 includes all participants who received a secondary school diploma or its equivalent during the project year (Section IV, A1). Therefore, those participants reported in Section IV, A1 would include those participants who were high school seniors at the beginning of the reporting who graduated during the project year. To add Section III B2 to the denominator would result in double counting of participants.

##### **Action Taken by ED:**

None

##### **Comments:**

One commenter noted a discrepancy in the APR instructions with regard to which data fields are included in in the denominator for the second option of the Postsecondary Enrollment objective.

##### **Discussion:**

Upon review of the comment, we determined that there was a typographical error on the APR instructions. The denominator for option 2 is the sum of the following: Section IV, A1 (participants that received a secondary school diploma or its equivalent during the project year), Section III, A3 (high school graduates or high school equivalency graduates not already enrolled in a postsecondary education), Section III A4 (postsecondary dropout with a secondary school diploma or credential, and Section III A6 (postsecondary transfer).

The denominator for option 1 only includes Section IV, A1 (participants that received a secondary school diploma or its equivalent during the project year).

##### **Action Taken by ED:**

We have corrected the typographical errors.

##### **Comments:**

One commenter noted that the following two categories are different: “Other” and “Unknown” and, therefore, recommended that an “Other” category be added to Section IV, Part D.

**Discussion:**

We agree with the commenter that “Other” and “Unknown” are not the same. However, we believe that the four categories provided will permit a grantee to accurately report on the postsecondary enrollment status of participants that are secondary school graduates.

**Action Taken by ED:**

None

**E. Postsecondary Placements: Types of Institutions**

**Comments:**

One commenter asked if a “for profit” school would be included in Section IV, E6 (Proprietary school).

**Discussion:**

Yes. A proprietary school is a private, for profit institution. The U. S. Department of Education’s Integrated Postsecondary Education Data System (IPEDS) uses the following definition (see: <http://nces.ed.gov/programs/coe/supnotes/2012-n01.asp>).

*Private for-profit institutions:* Institutions in which the individual(s) or agency in control receives compensation other than wages, rent, or other expenses for the assumption of risk (e.g., proprietary schools).

**Action Taken by ED:**

We added the IPEDS definition of a private for-profit institution to the APR instructions.