<div align="center">Notice of Proposed Information Collection Request</div>

Educational Opportunity Centers

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Commenter: Please see the attachment

The Department of Education (Department) received comments from 28 staff persons at institutions and organizations that are currently operating Educational Opportunity Centers (EOC) projects, one individual who did not indicate an affiliation, and three organizations -- two of which represent the EOC grantees (Council for Opportunity in Education (COE) and National Educational Opportunity Centers Association (NEOCA)). The comments addressed eight broad areas with the majority of comments in two areas: (1) objective #1 – secondary school diploma or equivalent; and (2) cost per participant.

Below is a summary of the comments and the Department's responses to those comments. Based on these comments, the Department will make one change to the EOC application. We will include in the application the EOC program regulations.

1. **Competitive Preference Priority** (4 comments): One commenter expressed concern about the addition of a Competitive Preference Priority after the Department had held pre-application workshops and the lack of time for potential applicants to effectively address the priority. Another commenter was concerned that the priority was a "significant expansion of EOC services" to populations that are not eligible (e.g., children of military personnel). By awarding up to two points to applicants that address the priority, the commenter also thought that because of the competitiveness of the EOC competition, the priority would, in effect, require applicants to address the priority, even though many EOC projects have no direct experience serving military-connected families. Two commenters expressed support for the competitive priority to help military families who have sacrificed for their country. One commenter asked that the Department also include as a competitive priority providing services to "disconnected youth", including foster and homeless youth.

Response: The competitive preference priority for the EOC program was selected from the list of Department priorities published in the Federal Register on December 15, 2010. The Department believes that EOC projects are able and thus should be encouraged to reach out to military families in their target area. By awarding additional points, there is an appropriate incentive for applicants to address this priority. Although the Department has not included a competitive priority for "disconnected youth", consistent with the authorizing statute, the Department encourages EOC projects to reach out to and serve these populations.

Change: None.

2. **Invitational Priority** (1 comment): One commenter asked for additional clarification regarding Invitation Priority 1 with regard to tracking GED completion, postsecondary enrollment and financial aid received.

Response: To the extent practicable, an EOC project should work with appropriate State agencies to obtain access to student data. Access to these longitudinal databases could provide reliable third-party data relevant to many of the EOC program objectives (e.g., postsecondary enrollment, financial aid received).

Change: None.

3. **Selection criteria** (1 comment): One commenter suggested that the selection criteria and each of the sub-criteria be included in the application document and not provided as a link to an unofficial compilation of the EOC regulations.

Response: The Department does agree with the commenter.

Change: An official electronic Code of Federal Regulations (e-CFR) of the EOC regulations is now available; therefore, the Department will include the EOC regulations, which include all the selection criteria, in the EOC application. Applicants will still be referred to the link to the Federal Register in which the final amendments to the EOC regulations were published, as this document includes a discussion of the comments and responses that informed the final regulations for the program.

4. **Project objective #1 – Secondary school diploma or equivalent**: (29 comments): The comments on objective #1 covered three broad areas. For each area, we summarized the comments and provided a response.

   (1) A few commenters asked for clarification 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.

Response: 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.

   (2) Other commenters were concerned that participants who enroll in GED or other high school equivalency programs during the project year would not have sufficient time or resources to complete a high school curriculum or GED program within that project year. For example, because EOC eligible clients seek assistance from the project throughout the year, depending on when they entered the project, they may not have a full year to complete their GED. Another example is that a high school dropout who begins working with an EOC project in June would be expected to obtain a high school diploma by the end of August. As a result, the only way for EOC programs to meet this new objective would be to specify an extremely low figure. Commenters also stated that it was an unreasonable administrative burden to expect an EOC project to track participants through completion of a high school diploma or its equivalent.

Response: We do not agree with the commenters' interpretation of the implementation of this objective. The objective does not state that participants must both begin **and** complete a program of secondary education within a single project year. Rather, the objective specifies that a project will count only current-year participants who complete a secondary school program in their reporting 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.

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.

    (3) Other commenters noted that the new outcome criterion for the EOC program, as set forth in statute, is "the enrollment of students without a secondary school diploma or its recognized equivalent, who were served by the program, in programs leading to such diploma or equivalent." (See Sec. 402A (f) (3) (E) (i)). Commenters also stated that the language in the final regulations related to this provision (see section 644.22(d)(2)) was in direct contradiction to the language used in the statute.

    One commenter was concerned that assisting students to obtain a GED or high school credential as a first step to postsecondary enrollment is "one more obstacle for low-income and first generation adults who are trying to better themselves."

Response: The Department has consistently interpreted this statutorily-prescribed outcome criterion as measuring the *attainment* of a secondary school diploma or its equivalent. This interpretation is based on the following:

- o Performance evaluation must be based on outcome measures rather than process-related measures. As such, we believe that this performance measure should be implemented by measuring an outcome in the participants' attainment of a secondary school diploma or its equivalent. Measuring enrollment in or persistence in a secondary school program is not an outcome.

- o Furthermore, the next statutorily-prescribed outcome measure for the EOC program is "the enrollment of **secondary school graduates who were served by the program** in programs of postsecondary education" [Sec. 402A (f) (3) (E) (ii), emphasis added]. Therefore, we believe the previous outcome criterion should measure secondary school *completion* –rather than secondary school enrollment or persistence –since the postsecondary enrollment outcome criterion specifically states that EOC projects should measure the enrollment of "secondary school graduates" in programs of postsecondary education.

Change: None.

5. **Project objective #4 -- postsecondary enrollment**: (8 comments): The comments on objective #4 covered two broad areas. For each area, we summarized the comments and provided a response.

    (1) The commenters suggested deleting the sentence "the institution defers enrollment until the next term" in the definition for "accepted but deferred enrollment". Instead the commenters recommended that the institution be allowed to determine the length of the deferment which in some situations could be for two or more years.

Response: Because EOC projects will report on program outcomes annually and are not required to track the academic progress of prior participants, the measurement for each of the

project objectives would only include participants served during the project year and for which the grantee could report the outcome on the annual performance report for that project year.

Further, the "accepted but deferred enrollment" provision of this objective is to address situations in which the institution may be granting acceptance for the spring semester instead of the fall semester due to institutional issues, such as budget cuts and/or a larger number of applicants. It does not include deferred enrollments granted by the institution based on situations and choices of the student (e.g., religious or military obligations, family or financial concerns). We recognize that many EOC participants that defer postsecondary enrollment may subsequently enroll and complete postsecondary education. However, the project objectives must include a standard timeframe for measurement of project outcomes that would provide timely data the Department's needs to determine if a project is making substantial progress and for awarding prior experience points.

> (2) Other commenters expressed concern that the objective only measures the postsecondary enrollment of secondary school graduates and noted that many community colleges have open enrollment which permit high school dropouts to enroll without a high school diploma or its equivalent.

Response: The statutorily-prescribed outcome measure for the EOC program is "the enrollment of **secondary school graduates who were served by the program** in programs of postsecondary education" [Sec. 402A (f) (3) (E) (ii), emphasis added]. Since the objectives for an EOC project and the related PE criteria in section 644.22(d) of the program regulations generally reflect the statutory outcome criteria, we cannot change this objective with regard to "secondary school graduates." An EOC project may serve secondary school dropouts and assist them in transitioning to postsecondary education before obtaining a secondary school credential; however, the participants who are not secondary school graduates will not be counted in either the denominator or numerator for this objective.

Change: None.

6. **Prior experience (PE) calculations**: (1 comment): One commenter asked that the Department award PE points based on the data a grantee provided in the annual performance report (APR).

Response: The Department will follow the procedures outlined in the Part V of application package for awarding PE points, which includes using APR data.

Change: None.

7. **Cost per participant**: (22 comments): Several commenters expressed concern that the maximum award of $300 per participant for currently-funded EOC projects places rural states and projects serving Native American reservations at a disadvantaged because of higher travel costs. Other commenters noted that limiting the cost to $300 per participant would severely limit the services that a project could provide. Commenters also felt that the per participant cost was inadequate considering the new requirements that projects track participants who are pursuing a secondary school diploma or equivalent. Another commenter felt that projects would not have the needed funding to address the competitive preference priority for EOC projects to work members of the military and their families. Commenters recommended a per participant cost between $390-$450. One commenter stated that $300 was fair in most circumstances but

recommended a higher per participant cost for EOC projects in Alaska and Hawaii since the program's low-income guidelines recognize higher cost of living in those areas.

Response: We have not changed the cost per participant requirements for the FY 2011 EOC grant competition. In developing the maximum funding levels and per participant costs for the FY 2011 competition, the Department, to the extent practicable, sought to: (1) equalize funding levels for all EOC grantees; (2) maintain current service levels; and (3) encourage grantees to coordinate project services with school-level partners and other community resources in order to carry out projects that are both cost-effective and best meet the needs of adult learners (Invitational Priority #2).

The Department recognizes that Federal funding may not be sufficient to support all the services EOC participants may need; therefore, we encourage projects to continue to coordinate project services with other school and community resources. As in prior grant competitions, applicants that do this may receive up to 16 points for "Applicant and Community Support " (see section 644.21(d) of the program regulations).

For the FY 2011 competition, new EOC projects will receive a maximum grant of $230,000 to serve at least 1,000 participants at a per participant cost of $230. However, those currently-funded EOC projects with per participant costs greater than $300 may receive a grant equal to $300 per participant. Based on a three percent increase in the funding levels of current grantees, for approximately 18 percent (22 grantees) of currently-funded grantees, this provision would require the grantees to either request smaller grants or increase the number of participants they will serve. Another 32 percent (40 grantees) would be able to maintain current service levels with per participant costs between $235 and $299 per participant. The remaining 50 percent (62 grantees) would have a per participant cost of around $233 which is in line with the per participant cost for new grantees of $230.

We agree with concerns that have been expressed by the TRIO community regarding reductions to the numbers of individuals served by the TRIO programs. With current fiscal constraints, we are unable to substantially increase per participant costs and maintain current service levels. To increase the per participant cost to $400, for example, could reduce the number of individuals served by the EOC program by 82,635 individuals.

Change: None.

8. **Exception for dislocated workers** (1 comment): The commenter asked that we provide an exception to serve dislocated workers that do not meet the 150% of poverty level requirement.

Response: The Department does not have the authority to waive the poverty level requirement. However, under the EOC program only two-thirds of the participants must be both low-income (150% of poverty) and potential first-generation college students (see section 644.11 of the EOC regulations). Up to one-third of the participants an EOC project serves do not need to meet the low-income and first-generation requirements. However, all participants must meet the other eligibility requirements in section 644.3 of the EOC regulations.

Change: None.