Upward Bound and Upward Bound Math-Science
Summary of Public Comments on
Proposed Changes to the Annual Performance Report
Following the 30-Day Review Period

On March 26, 2013, the Department of Education published a Notice of Proposed Information Collection Request in the *Federal Register* inviting comments by May 29, 2013, on the proposed annual performance report (APR) for the Upward Bound (UB) and Upward Bound Math-Science (UBMS) programs. The Department reviewed each commenter's submission and, in response, made a number of changes to the APR; the most significant change announced was the elimination of high school graduation cohorts as the basis for calculating two of the prior experience (PE) calculations.

On September 4, 2013, the Department published a notice inviting comment by October 4, 2013, on the revised APR; we also published a summary of submissions received during the March 26–May 29, 2013, comment period. By the October 4 deadline, we received 39 responses, many of which contained comments on more than one issue. An analysis of the comments and information on changes in the proposed annual performance report follow, with issues grouped by subject. Suggestions for minor changes (generally those of a technical nature) are not discussed below, but in response to those suggestions some clarifications and technical changes have been made in the revised form and/or instructions. Also not discussed are suggestions that were incompatible with statutory authority and/or regulations, that were responded to in the first comment period, or for which explanation was available in the revised APR published on September 4.

Prior Experience (PE) Objectives and Dual Enrollment

Comments: Several commenters raised again questions and concerns about dual enrollment programs. The commenters argued that postsecondary certificates or degrees that participants earned through a dual enrollment program should count towards a project's postsecondary enrollment and postsecondary completion objectives, thus potentially contributing to the project's prior experience (PE) points. Further, the commenters stated that UB projects get credit for the postsecondary objectives for participants who enroll and earn an associate or bachelor's degree after high school, but "get no credit for assisting and supporting a student to engage in early college programs."

Discussion: For the purpose of awarding PE points, it is important that the objectives identify the group of students to be tracked and the timeframe for measuring which of those students enrolled in college and completed a postsecondary degree. For example, with regard to the postsecondary enrollment objective, the group of students is those students who graduated from high school in a given year **and** enrolled in postsecondary education by the fall term immediately following high school or the spring term if enrollment is deferred by the institution. Applicants set achievement rates for this objective based on the precise wording of the objective, which was "by the fall term immediately following high school…"—not "during high school or by the fall

term immediately following high school." Further, Department staff reviewed funded applications from several commenters who argued in the 30-day review period that TRIO should award PE points for postsecondary completion to projects that reach their objectives through students' achieving associate degrees in a dual enrollment program. None of these applications discussed dual enrollment in the needs or objectives sections or in the plan of work. Four of the six project objectives allow UB projects to earn PE points for assisting participants in successfully completing high school (e.g., academic performance; secondary school retention and graduation). In addition, any participant that simultaneously graduated high school and earned a certificate or associate degree as a result of participating in a dual enrollment program during high school would count toward the project's postsecondary enrollment objective if the participant continued his or her postsecondary education after earning the high school diploma and certificate or associate degree.

As stated in the Department's response to the first round of public comments, the commenters' arguments did not provide any new justifications sufficient for the Department to change its position, maintained in the previous UB/UBMS and Talent Search (TS) grant cycles, as well as within the current TS grant cycle, that for the purpose of awarding PE points, postsecondary enrollment and degree completion will count towards the PE objectives only if earned after the student graduates from high school.

We acknowledge that dual enrollment programs may provide UB eligible students educational opportunities and financial benefits, since students who succeed in earning a certificate or an associate degree, or college credits, through such programs often do so at little or no expense to their families; we also understand that, for some UB participants, completing the associate degree may meet the participants' postsecondary educational goals. However, the primary purpose of UB has been and continues to be to prepare participants for success in education beyond high school, which for many is completion of the bachelor's degree. Therefore, the PE postsecondary objectives were written to measure the extent to which UB projects encourage and assist participants in continuing their education after completing high school, whether that is earning an associate degree after high school graduation or a bachelor's degree.

Action Taken: None.

Objective for Academic Improvement on Standardized Tests

Comments: Several commenters informed the Department that the governor of California had signed a bill that will end California's current standardized school testing program. The commenters were concerned that this action might result in UB grantees not having the data needed to report on whether or not project seniors met the state's high school academic achievement standards at the proficient level in English and math and that this could negatively impact their PE calculations. Commenters further requested that the Department waive this reporting requirement for California.

Discussion: Fields #38 and 39 are used to determine if the UB project has meet its Academic Improvement on Standardized Tests objective used to award PE points. The objective measures

the percentage, compared to the target established by the project, of seniors served during the project year that have achieved at the proficient level on state assessments in reading/language arts and math. Because of the limited information available at the time the comments were submitted, the commenters could only speculate as to the potential impact of the governor's decision. Since the testing data is used to award PE points applicable to the next grant competition, continued funding of the UB projects in California for the 2012-17 grant cycle would not be affected by this change in the state's testing policies. Further, PE points are only calculated on the second, third, and fourth years of multi-year grant cycle. Since 2012-13 is the first year of the grant cycle, the data submitted in 2012-13 will not be used to award PE points. Therefore, we believe it is premature to make changes or adjustments to the APR reporting requirements at this time. As more information becomes available, the Department will revisit this issue and as appropriate consider possible substitute measures of proficiency in reading/language arts and math.

Action Taken: None at this time.

Objectives for Rigorous Program of Study and Postsecondary Enrollment

Comments: One commenter requested that the Department change the calculations for the rigorous program of study and postsecondary enrollment objectives to include only current year participants (i.e., no longer include prior year participants).

Discussion: The Department points out that the regulations in 34 CFR 645.32(e)(1)(iv) and (v) clearly state that these objectives should include both current and prior participants. Further, as part of the 2012 UB and UBMS grant application packages, all objectives were available for public comment prior to final release of the packages. The parameters for assessing PE points must be very specific so that an applicant can use this information to establish its targets for each of the standardized objectives. Since TRIO's grant application packages made clear which participants would be included in the denominator and numerator of all of the objectives, applicants had the information from the Department that they needed to set ambitious yet attainable targets for their projects. Therefore, the Department declines to reopen the issue.

Action Taken: None.

Performance Measure (Postsecondary Remediation)

Comments:

Many commenters again expressed concern about their ability to provide the requested information on remedial courses (field #64). The complaints mirrored those from the 60-day comment period, citing that UB projects have no direct access to students' college records and that no state, local, or national database provides data on remediation at the postsecondary level. Respondents also wrote that attempting to collect the students' transcripts would be difficult for several reasons (e.g., project staff would have to work with registrars at multiple colleges, the

student would have to sign releases to permit the projects to request the transcripts, and the remedial nature of courses would not necessarily be evident from transcripts). Some commenters made suggestions. One respondent suggested that, if the Department keeps the field, the Department should ask whether the postsecondary institution required the student to take remedial math or English. Other commenters said that the measure should be based on whether the participant was "exempt or non-exempt from remediation coursework at the time of high school graduation."

Discussion: The field on postsecondary remediation reflects one of the performance measures established for UB and UBMS and included in the grant application packages. The Department developed these measures to track the progress of UB projects in achieving program success; the specific measure on remedial course enrollment may help the Department assess the extent to which UB projects are able to prepare students adequately for success at the postsecondary level. Moreover, the Department believes that data on remediation among UB and UBMS participants could possibly add to our understanding of remediation for disadvantaged students at the postsecondary level.

As stated in the Department's response to the first round of public comments, we acknowledge that some projects may encounter difficulty in acquiring information on the extent to which postsecondary institutions require participants to undertake remedial coursework; we note, however, that the timeframe is limited, encompassing only the first fall semester of postsecondary education, and we hope that the brevity of the period will help projects as they complete the task. The Department is, moreover, attempting to identify additional ways in which, over the course of the grant cycle, data on remediation could be more readily gathered. The respondents' arguments in the 30-day comment period did not provide any new justifications sufficient for the Department to change its previously stated position on this field.

Action Taken: None.

Comments on Specific Data Fields

Disability status

Comments: Several commenters objected to asking for information on the disabilities of project participants stating that target schools do not have or will not provide this information. Further, some commenters noted that in California, for example, it is illegal to ask a student whether he or she has a disability.

Discussion: In the Department's response to the first round of public comments, the Department agreed to eliminate the field for "diagnosed learning disabilities" and replaced this field with "disability status" which would ask whether a participant has a disability, as that term is defined in section 12102 of the *Americans with Disabilities Act* (42 U.S.C. 12101 *et seq.*). This field was added to allow the Department, in responding to the performance report requirement of the HEOA, to "include comparable data on the performance nationally of low-income students, first-generation students, and students with disabilities." Upon further consideration, the Department

does not believe we need to capture this data for the UB performance report since "disability status" is not an eligibility criterion for UB participants.

Action Taken: This field (formerly #21) has been deleted from the APR.

Prior Participants

Comments: Three commenters suggested that the Department allow a response of "NA (not applicable) for prior participants" for several fields (see discussion below).

Discussion: Below is a table that shows the fields cited by the commenters, as well as the Department's response to the recommendations, and reasons for the Department's decisions. We will provide the option "NA, prior participant served before the 2012–17 cycle" (column 2) in the fields designated below, all of which reflect the participant's status at time of initial selection; thus grantees will not need to reconstruct the information requested for prior participants served before the 2012–17 cycle. We offer the option "NA, prior participant who graduated high school before the 2012–13 reporting year" (column 3) for certain fields reflecting the participant's status during the period in which he or she was served. For prior participants who graduated before 2012–13, the Department does not need the data collected in the fields; for other prior participants, the Department will need the data.

Field # and name	Add option, "NA, prior participant served before the 2012-17 grant cycle"	Add option, "NA, prior participant graduated high school before the 2012-13 reporting year"	Reasons
17–19: "At risk" fields	Yes	Not applicable	New fields for which grantee would not have collected data on prior participants served before the 2012-17 grant cycle.
20: Limited English Proficiency	No	No	Field on prior APR, so grantee has collected the data on prior participants; data will be crosswalked into data file that the Department will make available to grantees.
Disability status	Not applicable	Not applicable	Field has been dropped from APR.

21: Disconnected youth	Yes	Not applicable	New field for which grantee would not have collected data on prior participants served before the 2012-17 grant cycle.
22: Other academic need	No	No	Field on prior APR, so grantee has collected the data on prior participants; data will be crosswalked into data file that the Department will make available to grantees.
38 & 39: Proficiency on state assessments	No	No	Fields on prior APR, so grantee has collected the data on prior participants; data will be crosswalked into data file that the Department will make available to grantees..
40: AP or IB course completed	No	Yes	New field for which the Department needs data on all current and prior year participants who graduated HS in 2012-13 or subsequent years. A grantee may use the second "Not applicable" option only for prior participants who graduated HS prior to the 2012-13 reporting year.
41 & 42: dual enrollment	Yes	Not applicable	New fields for which grantee would not have collected data on prior participants served before the 2012-17 grant cycle.
43: Advanced math courses completed	No	Yes	New field for which the Department needs data on all current and prior year participants who graduated HS in 2012-13 or subsequent years. A grantee may use the second "Not applicable" option only for prior participants who graduated HS prior to the 2012-13 reporting year.

Actions Taken: The Department has added an option of "NA, prior participant served before 2012-17 cycle" for the following fields: At-risk—proficiency tests; At-risk—low GPA; At-risk

—Pre-Algebra or Algebra courses not completed by beginning of 10th grade; # Disconnected youth; and Dual enrollment (two fields). The Department has added an option of "NA, prior participant who graduated high school prior to the 2012-13 reporting year" for the following fields: AP or IB course completed, and Advanced math courses completed.

Completing Pre-Algebra or Algebra Course

Comment: Two commenters asked how the Department defines "successfully completed" with regard to field #19. For example, does "successfully completed" mean that the student earned high school credit for the course (e.g., grade of D or better) or does it mean that the student received a grade that indicates he or she has met college preparation requirements (e.g., grade of C or better)?

Discussion: The Department has revised the general instructions to address this concern.

Action Taken: The following information was added to the general instructions for the APR for field #19: "Successfully completed" signifies that the student passed an algebra or pre-algebra course, received high school credit, and will not need to repeat the course.

Deceased Participants

Comments: One commenter asked if a project could drop deceased students from the APR data file if the student died before completing high school.

Discussion: No. As discussed in the Department's response to the first round of public comments, the Department is providing a new field (#26) so as to be able to differentiate in PE calculations between prior-year and current participants who are deceased or incapacitated. Since the field defines the current participants as those who were served during the project year, but who are now deceased or permanently incapacitated, the Department will of course include these individuals in determining whether the grantee served no fewer than the approved number of participants. The Department will, however, exclude this group from the numerator and denominator in all other PE calculations.

The Department believes it is important that the APR data file include records on all participants served by UB for the required time period to determine if the grantee has met its funded number and to calculate PE points; therefore, a grantee is not permitted to drop records from the file. To ensure that a grantee is not dropping records from the APR data file, the APR Web application will match participant records from the grantee's prior year's APR with the new APR data file. Permitting a grantee to drop records of deceased participants would complicate the matching process and could introduce data reporting errors such as a project not receiving credit for having served a student in the year in which he or she died and the possibility that the project deleted a student's record in error.

Action Taken: None.

Participants Served by Another Federally Funded College Access Program

Comments: One commenter was concerned that the information collected in this field might give the appearance of double-serving. The commenter noted that sometimes a participant will initially be first served by a Talent Search (TS) project, but if a slot opened up in UB would be moved to UB and dropped by TS. Another commenter was concerned about the burden imposed by this requirement if projects were to report on all federal programs serving each student (e.g., Free and Reduced-Price Meals, Medicaid, WIC).

Discussion: As stated in the Department's response to the first round of public comments, the Department established the field for reporting on participants served by other federally funded college access programs in response to requirements in the HEOA and the UB regulations for coordination and collaboration among programs designed to assist disadvantaged students. The regulations in 34 CFR 645.21(a)(4) and (b)(4) do not prohibit a student's participation in more than one program; instead, it is expected that when a participant is served by more than one program the grantees coordinates services to minimize the duplication of services. In the example cited by the commenter, once the participant is picked up by UB, the TS project no longer serves the student.

In accordance with the recordkeeping requirements in 34 CFR 645.43(c)(5), the project, to the extent practicable, must maintain a record of any services the participant received during the project year from another federally-funded program. Because this field (#29) only requires a grantee to report on services received from more than one federal program during the reporting year, if the participant was served by TS in the previous reporting year, the project would not need to report this in the current year's APR.

A grantee is not required to collect data on all federal government programs for which the UB participant may receive assistance. Because the purpose of the regulatory provision (see 34 CFR 645.21(a)(4) and (b)(4)) is to "minimize the duplication of services and promote collaboration," a grantee needs only to report on services an UB participant received from other federal programs that provide the same or similar services as those provided by the UB project. For example, it is conceivable that an UB participant might receive services from a GEAR UP project (e.g., tutoring or academic counseling); thereby these would represent services the participant received from another federal college access program.

Action Taken: None.

Grade point averages (GPA)

Comments: One commenter asked why the Department is collecting the high school GPA at the end of the academic year being reported for a participant first served the summer following the academic year being reported, since the project participation had no effect on the student's GPA for that academic year.

Discussion: Grantees are asked to provide the same information for all participants served by the UB project so as to not complicate the formulas for the PE calculations and to provide greater transparency.

Action Taken: None.

Free Application for Federal Student Aid (FAFSA)

Comments: One commenter argued that projects should not have to report FAFSA information on the APR. Another commenter asked that projects be allowed to report on participants who completed the FAFSA without having received a regular secondary school diploma or who completed the FAFSA after earning a GED.

Discussion: In the Department's response to the first round of public comments, the Department explained why we are asking grantees to report this information. We, however, concur with the other commenter's recommendation to remove the language regarding regular high school diplomas and to include participants who earn high school equivalency credentials.

Action Taken: The first two options for field #44 now read, "Current or prior-year participant who graduated high school or received high school equivalency credentials during the reporting year and who completed/did not complete the FAFSA."

Postsecondary Education Enrollment Cohort

Comment: For the new "Postsecondary Education Enrollment Cohort" field, one commenter asked if a grantee could use the participant's expected high school cohort year, instead of the actual high school graduation date, to determine the postsecondary cohort year for prior participants.

Discussion: For UB projects funded in the 2007-12 grant cycle, the Department is calculating the postsecondary cohort year for prior participants using the APR data the grantees previously submitted. At the start of the 2012-13 APR data collection, grantees who were funded in 2007-12 will be able to download a file with the calculated postsecondary cohort years for prior-year participants. Therefore, the project will not have to calculate the cohort years for prior participants. As for cohorts established in the reporting year (e.g., 2012-13), choosing cohort year 2013 will be possible only for students with high school graduation dates and postsecondary enrollment data in the appropriate ranges (9/1/2012-8/31/2013 for graduation and 1/1/2013-12/31/2013 for enrollment). While projects may estimate graduation and enrollment dates (e.g., June 15 if a specific date in June is not available), the project must be certain that the student actually graduated and enrolled within the date ranges specified.

Action Taken: The general instructions related to field #54 have been revised to note that the Department will provide grantees with the postsecondary cohort years for prior participants.

School Code for Postsecondary Institution First Attended

Comments: In the prior UB APRs, a grantee was asked to update each year the school code to provide the school last attended by the student in the reporting year. Since the new APR only requests information on the postsecondary institution first attended, a few commenters asked if they would need to change the data back to the institution first attended.

Discussion: The Department has the data on the first postsecondary institution attended by prior participants submitted on previous APRs. Therefore, to simplify the process for updating participant records, the Department is not asking grantees to report the school code for the institution first attended for prior participants enrolled in college prior to 2012-13. A "Not applicable" option is being added to this field to address this concern.

Action Taken: The following option has been added to field #55: "666666 = NA, prior participant whose enrollment in last institution attended was reported in the previous grant cycles."

College Status, at beginning of academic year

Comment: Because some participants "stop out" for a semester, one commenter asked if a project could include students that were enrolled in the spring semester but not the fall semester as "continuing" in postsecondary education.

Discussion: No. This field (#56) is designed to reflect the situation at the "beginning of the academic year" (i.e., fall semester) which aligns with the normal fall due date for submitting the APR. To ensure consistent and accurate reporting across projects, students not enrolled at the beginning of the academic year should not be reported as continuing in postsecondary education. However, those participants that enrolled in the spring semester and the following fall semester would be reported as continuing in postsecondary education in the next year's APR.

Action Taken: None.

Associate Degree Attained

Comment: One commenter noted that there was no option for students who start at a community college but transfer to a four-year institution prior to obtaining the associate degree.

Discussion: The Department agrees that we should collect information on participants that transfer from the two-year to four-year institution prior to obtaining the associate degree.

Action Taken: The Department has added an option to this field (#59) that reads, "Transferred to four-year institution without completing an associate degree."

Changes to data fields and APR databases

Comments: Several commenters requested more time to prepare the new APR for 2012-13 because of the numerous changes to the APR. Other commenters requested assistance from the Department in converting their existing APR databases to reflect the new requirements.

Discussion: In developing and clearing the new UB APR, the Department has kept the UB grantees informed of proposed changes to the data fields. In addition to two formal requests for public comments, Department staff discussed proposed changes with grantees at the Department-sponsored meeting for project directors in March 2013 and at the annual conference of the Council for Opportunity in Education (COE) in September 2013. The Department thereby provided grantees with timely information on the proposed changes to APR reporting requirements in order to give grantees sufficient time to collect the required data and modify their databases. While the Department does not anticipate having the online Web application for the APR tested and ready for use until spring 2014, we plan to have a final text version of the report form and instructions on the TRIO pages of ed.gov in late January 2014, once we have approval from OMB. We estimate that the "go live" date for the UB APR will be early to mid-March with a due date in early to mid-April. Because the Department uses the APR data in making decisions regarding continuation funding, we cannot extend the expected APR due date beyond spring 2014, since decisions regarding funding for the 2014-15 project year will need to be made by mid-May 2014 for those UB projects with project start dates in June.

Further, to assist projects and to maximize accuracy, the Department, at the start of the 2012-13 APR data collection, will allow grantees to download a data file that "crosswalks," to the extent possible, the data submitted in the 2011-12 APR to the comparable data fields in the new APR for 2012-13 (e.g., student name, date of first service). In addition, as noted above, this file will include the calculated postsecondary cohort years for prior-year participants. Therefore, a grantee who chooses to use the "crosswalk" file would only need to update data fields that may change (e.g., participant status), add information for the new data fields, as appropriate, and add records for new students served in 2012-13.

Action Taken: The Department will provide grantees with a "crosswalk" file.

Changing last name of participants

Comment: One commenter asked that we allow grantees to change the data in the name fields for participants that have changed their names (e.g., because of adoption or marriage). The commenter noted that once the name is legally changed, the student's new, legal name will be the name FAFSA, college admission application, ACT/SAT, and the National Student Clearinghouse will use.

Discussion: The Department recognizes the challenges projects encounter when tracking participants. Unfortunately, because the Department cannot solely rely on the SSN for matching purposes and does not assign a unique student identifier, the Department must rely on the name and date of birth to match records across reporting years. Therefore, consistency in reporting participant identifiers is essential for tracking the educational progress of participants over time.

A change to any of student identifier fields may result in a non-match and can potentially impact a project's prior experience (PE) points and other TRIO data analysis. Nonetheless, the Department does appreciate the effort projects make in tracking students over a long period of time and as such has added a field to address projects' concerns.

Actions Taken: The Department has added a final field (#67) in which projects may report changes in a participant's name.