

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

Introduction

On July 24, 2013, the Department of Education (Department) published a Notice of Proposed Information Collection Request (Notice) in the *Federal Register* inviting comments by September 23, 2013, on the proposed annual performance report (APR) for the Veterans Upward Bound (VUB) program. The Department reviewed each commenter's submission and, in response, made a number of changes to the APR.

On March 17, 2014, the Department published a notice inviting comment by April 16, 2014, on the revised APR; we also published a summary of submissions received during the March 17 – April 16, 2014, comment period. By the April 16 deadline, we received eight responses; some 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.

Specific changes to the APR, based on comments received from the public, are addressed below. Of the six issues discussed, the Department took action on four to achieve greater clarity and to meet the needs of both the grantees and the Department. Specifically, we revised options for the Academic Need field, clarified the definition of "Special Services," and altered the language of the Postsecondary Remediation field to reflect more accurately the wording of the VUB grant application package. In addition, several changes were made to the Postsecondary Education Enrollment Cohort field to allow for more precision in reporting. The changes to these four fields do not add to the grantees' reporting burden.

Section II: Participant Eligibility Information

Field #16 – Eligibility (at time of initial selection)

Comments: Two commenters expressed concern about three of the seven available options in field 16 for reporting VUB participant eligibility. The commenters stated that the statute only requires reporting on four different eligibility options (low-income and first-generation, low-income only, first-generation only, and veteran at high risk for academic failure) and, except for low-income and first-generation participants, does not require combinations of criteria (e.g., low-income and at high risk of academic failure). The commenters recommended dropping the other three options that combine the first three criteria with the at-risk criterion because these are not specifically addressed in the governing statute and will create an additional burden for projects when determining and reporting participants' eligibility for services.

Discussion: Under the regulations governing the UB programs prior to enactment of the HEOA, a participant had to be either a potential first-generation college student or a low-income

individual to be eligible to participate in the program. Under the Higher Education Opportunity Act and the new program regulations published October 26, 2010, however, these eligibility criteria were expanded to include individuals who have a high risk for academic failure.

In the first version of the draft APR for the regular Upward Bound (UB) and Upward Bound Math-Science (UBMS) programs and the first draft APR for the VUB program, these criteria were organized in three separate fields, in contrast to the 2007–12 APR, in which the two criteria were in one field. Several individuals that commented on the draft UB APR disliked this formatting change; they wanted one field that would allow them to pick any applicable criterion of the three or any combination of the criteria, as done in years past. One commenter suggested that using three fields, one for each of the program eligibility criteria, placed a data burden on grantees funded in the 2007–12 cycle that would now need to convert preexisting data; this would be particularly burdensome for projects that do not have the expertise to convert the data automatically, the commenter said.

In the 2007–12 APR, all possible combinations of criteria were covered with three options; under the new law and regulations, seven combinations are needed. The Department originally thought that three individual fields for the eligibility criteria would be easier for grantees to deal with, and would also facilitate some of the Department’s data analyses. However, based on the comments we received from UB projects and to reduce burden on grantees, we determined that one field with options to cover all combinations of eligibility would meet our analytic needs. Because we had made this change to the APR for regular UB and UBMS, we had this same change to the new VUB APR.

Although a participant need only meet one of three criteria (low-income, potential first-generation college student, or at high risk for academic failure) to be eligible, the Department encourages projects to assess a participant’s eligibility using all three criteria and to report accordingly. For example, if a participant is low-income and potential first-generation, and if he or she meets at least one of the criteria for high-risk status, the project should select the new option “7” (low income, first generation, and high risk).

Because the high-risk eligibility status is new to the 2012–17 grant cycle, the Department is aware that information on high risk would not be available for participants first served prior to the 2012–13 project year; further, the Department recognizes that projects may not have collected this information on all new participants first served in the 2012–13 and 2013-14 project years. However, beginning with the 2014-15 project year, projects are expected to assess a new participant’s eligibility using all three criteria and report according.

By adding these new combinations of eligibility, the Department is in no way requiring or expecting projects to serve more participants that are at high risk. The statute and regulations require that at least two-thirds of the participants a VUB project serves each year be low-income individuals who are potential first-generation college students. Those individuals who have all three characteristics—that is, those who are low income, first generation, and at high risk for academic failure--would also be included in the two-thirds.

Action Taken: None.

Field #20 – Academic Need (at time of initial selection)

Comment: Four comments were received by three commenters who offered suggestions for the reporting options available within the Academic Need field. One commenter requested a reporting option for participants with multiple academic needs. Additionally, two commenters highlighted an inconsistency between the APR instructions and the APR form in that field #20 did not include an option to allow reporting on participants whose academic needs are identified in the preceding “At Risk” fields (i.e., fields 17-19). Moreover, a commenter also suggested that the Department offer a broader reporting option than “lack of awareness of military education benefits.” Specifically, the commenter suggested that option be revised as follows: “Lack of awareness of the full range of federal student financial aid programs and benefits, to include military education benefits.”

Discussion: The Department is aware that a participant could have multiple academic needs; however, we are only requesting that projects report on the primary academic need in order to eliminate unnecessary data reporting. Providing the primary academic need meets the regulatory requirement of projects assessing a participant’s need for VUB services.

The Department acknowledges that projects were not provided with a reporting option for those participants whose academic needs were captured in the preceding At Risk fields. Additionally, the Department acknowledges the value in broadening option #7 to allow reporting on the need for information on the full range of student financial aid, including military education benefits.

Action Taken: The Department has revised the reporting options. The first reporting option for this field has been changed to allow reporting on participants whose academic needs can be captured in the preceding fields (i.e., fields #17–19) and now reads: “1 = Need established in one or more of the At-Risk fields.” As a result of adding a new option 1, the Department has re-numbered each of the subsequent options. For the new option 8, Department has revised the new option 8 as follows: “8 = Lack of awareness of student financial aid and/or military education benefits.”

Section II: Fields Concerning Participation in VUB

Field #26 – Participant Status

Comments: One commenter noted that the APR definition of a “reentry participant” would not allow prior participants had who enrolled in program of postsecondary education after participating in VUB to reenter the program. The commenter stated that “there are several situations in which a veteran who previously participated, completed the VUB program, and went on to enroll in postsecondary might need services from a VBU Program again” and provided a couple of examples. The commenter argued that these former program participants who had successfully completed a VUB educational program and had entered a postsecondary education program, but subsequently stopped out, should be allowed to reenter the VUB project and receive program services through the project for a second time. The commenter further argued that military veterans “have even more barriers to postsecondary than their civilian counterparts.”

Discussion: In making a determination regarding who projects may serve, it is important to note the VUB program was established in 1976 as an outgrowth of the original Upward Bound program with the special mission of helping U.S. military veterans make the transition to postsecondary education. While the Department acknowledges the unique challenges of veterans, including health issues and active duty obligations, the purpose of Veterans Upward Bound is to provide preparation before entry into postsecondary education.

A typical VUB project provides: intensive basic skills development in academic subjects required for successful completion a high school equivalency program and admission to postsecondary programs; short-term remedial or refresher courses for veterans who have graduated from high school but delayed pursuing postsecondary education; and assistance in securing support from other available resources, such as the Veterans Administration, State veterans agencies, veterans associations, and other State and local agencies that serve veterans.

Once a veteran completes the VUB educational program and enrolls in a program of postsecondary education, the responsibility for providing the veteran with additional support services shifts from the VUB project to the postsecondary institution and the other community resources available to veterans to ensure retention in and completion of a postsecondary program.

We recognize some veterans who have enrolled in postsecondary education may stop out for various reasons and seek further assistance from the VUB project. In those instances the VUB project can continue to refer a veteran to organizations and programs that can provide educational and other services the veteran is seeking. However, the VUB project should not reenroll these former participants in the VUB educational program because doing so would use limited project resources that are needed to serve eligible veterans who have not yet received the benefits of participation in VUB.

Action Taken: None

Field #36 – Special Services

Comments: A comment was received asking for clarification regarding the definition of the term special services and what types of special services VUB projects may provide.

Discussion: Of the academic instruction and services required or permitted by the authorizing statute and implementing regulations, the VUB APR requests data only on the four permissible services and activities that are unique to the VUB program (see 34 CFR 645.15). During the regulations development process, one commenter suggested eliminating Sec. 645.15(d), because it appeared to be redundant with the requirements in Sec. 645.11(b), which requires that all UB grantees, including VUB grantees, provide instruction in mathematics through pre-calculus and in laboratory science. To address the commenter's concern, the Department provided the following response:

Because section 402C(c) of the HEA requires all UB projects to provide math and science instruction and section 402C(d) of the HEA further permits math and science preparation for veterans, we understand why some commenters viewed the new

language in Sec. 645.15(d) as being redundant with Sec. 645.11(b). However, Sec. 645.15(d) refers to special services that could supplement the project's instructional program in math and science. Accordingly and to be consistent with the statutory language, we are not changing Sec. 645.15(d).

Therefore, in field #36, a VUB grantee should only report on whether or not the participant received special services that supplemented the project's instructional program in math and science.

Action Taken: The Department has revised the definition provided for Field #36 (Special Services) in the APR General Instructions (Definitions that Apply) as follows: Field #36 (Special Services): Special services that supplement the project's instructional program in mathematics and science to prepare veterans for postsecondary education.

Section II: Information on Postsecondary Education

Field #38 – Postsecondary Education Enrollment Cohort

Comments: Two comments were received that suggested additional response options for field #38. One recommendation suggested an option for reporting on participants whose postsecondary enrollment cohort information is unknown. The other recommendation requested that another cohort, "2013 = 2013–14," be added so that projects could report on participants who enter postsecondary education from August 2013 through the date the APR is submitted.

Discussion: Based on the commenters' suggestions, the Department reviewed the available options in field #38 and determined that several changes were needed. First, the Department agreed that 2013 cohort should be added. Further, the Department determined that options available for those participants that do not qualify for a cohort year should be revised by adding a couple of new options and revising the wording of other options. Based on the new options added, all participant can be assigned a cohort year value; therefore, it is not necessary to provide an "unknown" option.

Action Taken:

The Department has made the following changes to the available options:

Dropped 1111 = Other (prior to 2007–08); see 9999 below

Added 2013 = 2013–14

For the VUB participants not assigned a cohort year, revised the options as follows:

5555 = Left the VUB program before completing it and enrolled in a postsecondary education program by the end of the 2011–12 reporting year;

6666 = Left VUB program before completing it but had **not** enrolled in a postsecondary education program following VUB participation.

7777 = Completed VUB program but had not enrolled in postsecondary education by the end of the 2011–12 reporting year.

8888 = Still in the VUB educational program at the end of 2011–12, and

9999 = Does not qualify for 2007 or later cohort; for example, enrolled in postsecondary education prior to the 2007–08 academic year.

Field #42 - Postsecondary Remediation

Comments: Two commenters noted that the language used in the APR to capture data on Postsecondary Remediation (field #42) differs from the language used in the VUB grant application to describe the remediation performance measure. The performance measure uses the phrase “placed into college-level math and English without need for remediation” while the APR uses the phrase “received remediation.” The commenters recommended that the APR use language consistent with the performance measure.

Discussion: The Department agrees with the commenters and has revised the options as recommended by the commenters.

Action Taken: The options for Field #42 have been changed to the following:

- 1 = Placed into college-level math and English in the first year of postsecondary education
- 2 = Placed into remedial math or English in the first year of postsecondary education.
- 3 = Not applicable, VUB participant did not take math or English during the first year of postsecondary education
- 9 = Not applicable, participant not in the 2012 postsecondary education enrollment cohort
- 0 = Unknown