

**U. S. Department of Education  
Office of Career, Technical, and Adult Education**

**Responses to Public Comments on the  
Perkins V Consolidated Annual Report (CAR) Guide**

Public comments were received from twelve groups and individuals on the U. S. Department of Education’s (Department’s) Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V) Consolidated Annual Report (CAR) Guide during the sixty (60) day period from November 8, 2018 – January 7, 2019. The Department’s responses to those comments, as provided below, are organized by the Table of Contents for the guide. Verbatim comments are provided in quotes.

**OVERARCHING**

Several commenters expressed appreciation to the Department for taking a thoughtful and thorough approach to developing the reporting system for eligible agencies under the newly enacted Perkins V statute. Several commenters indicated that the guide is clear and does not impose unnecessary burden on eligible agencies.

Department’s Response: We appreciate the commenters’ perspectives and feedback.

Several commenters noted non-substantive errors in item lettering and line numbering in various sections of the guide.

Department’s Response: We appreciate the commenters’ input and have made all needed corrections.

**INTRODUCTION AND SUBMISSION REQUIREMENTS**

Several commenters expressed concerns with the requirement for eligible agencies to report postsecondary career and technical education (CTE) data through the Department’s EdFacts Submission System (ESS). Specific concerns identified by commenters included privacy protections associated with transferring data to the State agency (State Education Agency or SEA) for submission to the ESS, and additional costs associated with reprogramming data files to meet EdFacts specifications. These commenters recommended that the Department address such concerns by eliminating this requirement from the CAR.

Department’s Response: After review of the comments in response to this information collection, as well as similar comments submitted to the Department’s EdFacts information collection (ED-2018-ICCD-0117), we have eliminated the requirement for eligible agencies to submit their postsecondary CTE data through the ESS from the CAR. Moreover, upon considering similar feedback received over the past several years from State CTE accountability directors and staff regarding the submission of their secondary CTE data via the ESS, we are providing eligible agencies with the option to submit their

data via the ESS or Perkins CAR portal. We have made corresponding changes to the Submission Portals and Protocols portion of the Instructions and Submission Requirements.

## **I. Cover Page**

No comments were received on this section of the guide.

## **II. Narrative Performance Report**

Several commenters noted duplication in Items 1.b and 1.c.ii, involving the requirement that eligible agency's provide a description of any major accomplishments resulting from the use of State leadership funds for individuals in State institutions.

Department's Response: We agree with the commenters that these items are duplicative, and have eliminated this language as part of Item 1.b in Section II.B: Narrative Performance Report Form—Implementation of State Leadership Activities.

Several commenters expressed concern with the requirement in B.1.e to describe, in the FY 2019 CAR submission, the effectiveness of the use of State leadership funds in achieving the goals and State-determined performance levels established in the State plan. The commenters indicated that data required for such determinations will not be available, at a minimum, until the 2020-21 school year—the first year for which States will be held accountable for achieving their State determined performance levels (SDPLs).

Department's Response: We agree with the commenters and have eliminated this requirement from the FY 2019 CAR submission.

One commenter expressed concern with the requirement in Item B.2 to explain when enrollment changes by more than 25 percent. The commenter indicated that that this threshold is arbitrary and not required in legislation. The commenter asked the Department to consider having States determine what percentage is considered a significant change and provide an explanation only when that threshold is met.

Department's Response: We appreciate the commenter's input and after reconsideration, have eliminated this requirement from the FY 2019 CAR submission.

One commenter recommended that several items in B.1 be subdivided for reporting purposes. The commenter indicated that combining items into single questions does not give adequate attention to its required subparts.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally only used statutory requirements and verbatim language from Perkins V, which does not include

such subdivisions. That said, the Department will thoroughly review each eligible agency's responses to all narrative items and ensure that all portions of the items are fully addressed.

### **III. FINANCIAL STATUS REPORTS**

Several commenters noted errors and inconsistencies with Perkins V statutory language in the Instructions for the Financial Status Reports.

Department's Response: We appreciate the commenters' input and have made changes to Item 2.a: Completing Row Items A-N, Funds for Local Distribution in Section III.A: Instructions for Financial Status Reports (FSR) so that they more closely match the statutory text.

One commenter encouraged the Department to collapse the reserve fund requirements under Rows A and B, or to add an additional row to reflect reserve fund allocations to partnerships between secondary and postsecondary recipients.

Department's Response: While we appreciate the commenter's input, no changes have been made. We support and encourage collaboration in the use of reserve funds for joint CTE programs and initiatives between secondary and postsecondary recipients, but section 112(a)(1) of Perkins V states that the eligible agency will distribute local funds, including reserve funds, to eligible recipients under either section 131 (allocation to secondary recipients) **or** section 132 (allocation to postsecondary recipients) of Perkins V.

### **IV. PERFORMANCE DATA REPORTS**

Several commenters noted that, due to age specifications and certain definitions, several subpopulation categories are not appropriate for, or applicable to, the secondary or postsecondary core indicators. For example, "out of workforce individuals" are not served at the secondary level and "youth in foster care" are not served at the postsecondary level.

Department's Response: While we appreciate the commenters' input, no changes have been made. In this section and throughout the guide, we have generally only included the statutory provisions of Perkins V, which require the eligible agency to report on all subpopulation categories for all indicators. In the case where an eligible agency does not serve individuals from a particular category, or has no such individuals enrolled in a given year, the eligible agency should report students using the coding system outlined in Item 1.b.vii: CTE Participant and Concentrator Enrollment Forms in Section IV.A: Instructions for Performance Data Reports.

Several commenters noted that the CAR did not include under core indicator 3S1: Secondary Placement the option for eligible agencies to report on students who were "accepted and/or enrolled in postsecondary education" as provided in the EdFacts file specifications. The commenters recommended that this option be available in the CAR.

Department's Response: While we appreciate the commenters' input, no changes have been made. We do not agree that "accepted in" postsecondary education should be considered equivalent to enrollment in postsecondary education. Research on the phenomenon described as "summer melt" indicates that between 15 and 22 percent of high school students who are accepted by an institution of higher education fail to enroll in postsecondary education in the fall after high school graduation. "Summer melt" is as high as 40 percent for high school students who intend to enroll in community college. See Castleman, Benjamin L. and Page, Lindsay C. (2014) A Trickle or a Torrent? Understanding the Extent of Summer "Melt" Among College-Intending High School Graduates. *Social Science Quarterly*, Volume 95, Number 1, March 2014. Accordingly, we have removed the option to report on students who were "accepted" from the EdFacts file specifications.

Several commenters noted that the category "military" is combined with other categories (national or community service and Peace Corps) under the secondary and postsecondary placement indicators, 3S1 and 1P1, respectively. They recommended that, consistent with reporting under the prior Perkins IV statute, "military" be reported separately.

Department's Response: We appreciate the commenters' input and have made corresponding changes to the Performance Data Forms for 3S1 and IP1 in Section IV.B.

One commenter requested a definition for "advanced training" for the secondary and postsecondary placement indicators 3S1 and 1P1, respectively.

Department's Response: While we appreciate the commenter's request, no changes have been made. We note that "advanced training" is not defined in the Perkins V statute or other related statutes, including the Workforce Innovation and Opportunities Act (WIOA). Therefore, the eligible agency has full discretion and authority to define this term. As one possibility, an eligible agency may define "advanced training" to mean occupational skills training that is provided by an entity that is not an institution of higher education, such as an employer, an apprenticeship, a Job Corps Center, or a non-profit organization funded by the WIOA Title I Youth Program.

One commenter expressed concern that disaggregated data by levels of education (certificate, associate degree, and baccalaureate degree) for the placement measures 3S1 and 1P1 may not be readily available and, therefore the total number of students reported in the disaggregated data may not equal the total number of students placed on these measures.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally only used statutory requirements, which provide in section 113(b)(3)(C)(ii)(III) of Perkins V that an eligible agency disaggregate placement data for CTE concentrators by postsecondary award level, to the extent that such data is available. In cases where no data are available,

an eligible agency should report students using the coding system outlined in Item 1.c.vii: Instructions for CTE Concentrator Forms in Section IV.A: Instructions for Performance Data Reports.

One commenter noted concern that items 21 to 25 on the forms for the secondary and postsecondary placement indicators 3S1 and 1P1, respectively, require a denominator, which is different from the requirements under Perkins IV that required only a numerator.

Department's Response: We appreciate the commenter's input and have removed the requirement for a denominator on renumbered lines 40-42 on the Performance Data Forms for 3S1 and 1P1 in Section IV.B.

Several commenters expressed concern about the structure for reporting aggregate and disaggregated data on individuals enrolled in postsecondary education for the 3S1 and 1P1 core indicators. They suggested adding a separate line for "enrolled in postsecondary education" and adding a notation that data be "reported to the extent such data is available."

Department's Response: We appreciate the commenters' input and have made the corresponding changes to the Performance Data Forms for 3S1 and 1P1 in Section IV.B.

One commenter suggested that we disaggregate data for the postsecondary credential indicator, 2P1, by the categories reported under the prior Perkins IV CAR: credential, certificate, and degree.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally only used statutory requirements, which do not include these disaggregation categories for the postsecondary credential indicator, 2P1.

Several commenters indicated that the requirement in Item 1.a.1 for data to be reported for the "preceding program year" does not apply to all indicators. One commenter indicated, "for example, in its December 31, 2020, CAR submission, an eligible agency must report performance data for the program year covering July 1, 2019, through June 30, 2020." The commenter further states that this reporting timeline will not allow States adequate time to collect employment data for the 2<sup>nd</sup> quarter after exit, nor will it allow States to collect postsecondary credentials 1 year after exit.

Department's Response: We appreciate the commenters' input and have clarified the reporting instructions and timelines for Item 1.a.1 in Section IV.A: Instructions for Performance Data Reports.

Several commenters indicated that Item 1.a.ii suggests that "data must be reported on all students participating in publicly funded CTE in the State, regardless of whether institutions receive Perkins funds." These commenters expressed concern that there is nothing in the law that compels school districts and postsecondary institutions who do not accept Perkins funding to submit the required performance data.

Department's Response: We appreciate the commenters' input and have clarified Item 1.a.ii in Section IV.A: Instructions for Performance Data Reports to note that data must be reported on all students participating in CTE programs within eligible agencies that receive Perkins funds.

Several commenters suggested requiring an unduplicated count of CTE participants overall and by gender, but allowing a duplicate count of students by career cluster. The commenters indicated that allowing students to be counted in as many career clusters as applicable would support a truer picture of the preparation of students and the pipeline of individuals prepared for postsecondary education and the workforce within the career areas.

Department's Response: We appreciate the commenters' input and have made the corresponding changes to the Basic Reporting Instructions in Section IV.A: Instructions for Performance Data Reports.

Several commenters expressed concern that the definition of "CTE concentrator" at the secondary level includes students who take only two CTE courses and, therefore, there will not be much differentiation between the data collected under Perkins V and that collected under the ESEA. The commenters noted that "most high school students enroll in at least one CTE course so a sequence of two courses is an insufficient threshold for true CTE concentration." The commenters recommended that the Department permit States to define concentrators as "students who complete three or four courses in a program of study."

Department's Response: While we appreciate the commenters' input, no changes have been made. In this section and throughout the guide, we have generally included statutory requirements and verbatim language from Perkins V, which defines CTE concentrator at the secondary level in section 3(12)(A), as "a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study." The statutory definition is clear and the Perkins V statute does not provide, either in the definition or elsewhere in the statute, an eligible agency the flexibility to develop a different definition for the term "CTE concentrator."

Another commenter indicated that the statutory language for a CTE concentrator does not define "course" and, as such, it could be any number of actual credits/time. The commenter further recommended that language be "two years of courses in the proper sequence and in an approved CTE program." This commenter further recommended the addition of "12<sup>th</sup> grade students who have completed..." to alleviate counting students more than once throughout their high school years.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally included statutory requirements and verbatim language from Perkins V, which defines CTE concentrator at the secondary level in section 3(12)(A), as a "a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study." The statutory definition is clear and the Perkins V statute does not

provide, either in the definition or elsewhere in the statute, an eligible agency the flexibility to develop its own definition for the term “CTE concentrator.”

One commenter requested clarification on whether “completed a course” in the definition of a CTE concentrator requires the student to have achieved a certain grade or to have passed the course.

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally used statutory requirements and verbatim language from Perkins V, which does not define the parameters for a student to “complete a course.” Therefore, an eligible agency has full authority and discretion to define those parameters.

One commenter requested clarification on the following statement in the guide: “The disaggregation of data is not required when the number of students in a category is insufficient to yield statistically reliable information or when the results would reveal personally identifiable information about an individual student.” The commenter indicated that their understanding was that States should not report data that results in small cell sizes.

Department’s Response: We appreciate the commenter’s request and have added a notation to Item 1.d.vi in Section IV.A: Instructions for Performance Data Reports to confirm that an eligible agency does not need to submit data that meets its State-defined small cell size.

One commenter requested clarification that participant and concentrator enrollment data for the FY 2019 (July 1, 2019 – June 30, 2020) is to be disaggregated only by gender and career clusters.

Department’s Response: We appreciate the commenter’s request and confirm that participant and concentrator enrollment data is to be disaggregated only by gender and career clusters.

One commenter encouraged the Department to include a data chart template that highlights gaps in the performance measures and ensures that States consistently report the disparities or gaps in performance.

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have general included only statutory requirements from Perkins V, which does not specify the manner in which eligible agencies identify and report disparities in performance. That said, an eligible agency has full discretion and authority to include such data chart in its CAR submission.

One commenter suggested that we define the age limits for “youth in the foster care system” and “youth with a parent in active military duty” as individuals aged 14-24, which is consistent with reporting under WIOA.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have general included only statutory requirements from Perkins V, which does not specify the age parameters for the terms "youth in foster care" and "youth with a parent in active military duty." That said, an eligible agency has full discretion and authority to further define these terms for data gathering and reporting purposes.

One commenter encouraged the Department to require States to report disaggregated data on CTE participants and concentrators by race and special population subgroup, not just by gender and career cluster. The commenter indicated that "these disaggregated data would be helpful for States as part of their gap analyses whereby they can compare and benchmark enrollment and concentrator trends across states."

Department's Response: We appreciate the commenter's input and have added the categories for race/ethnicity and special populations to the CTE Participant and Enrollment Forms in Section IV.B.

One commenter requested that we add rows to the performance data reports for the nontraditional indicators, 4S1 and 3P1, that enable States to report separately on their nontraditional program concentration for males and females.

Department's Response: While we appreciated the commenter's input, no changes have been made. In this section and throughout the guide, we have generally only included the statutory requirements, which do not include reporting separately on nontraditional concentration by gender. That said, we encourage States to review their disaggregated data by gender on these measures and take action, as necessary, to address any gaps or disparities in performance for different subpopulations of students.

One commenter noted that the nontraditional indicators, 4S1 and 3P1, could be interpreted in multiple ways. They requested clarification on which students are to be counted and reported in these measures.

Department's Response: We appreciate the commenter's request and have added a footnote on Table 3: Section 113(b) Core Indicators of Performance in Section IV: Performance Data Reports, to clarify that, for the nontraditional indicators 4S1 and 3P1, "a student gets counted under this indicator if individuals from their gender comprise less than 25 percent of the individuals employed in the related occupation or field of work."

One commenter requested concern about the requirement in Item B.3 for eligible agencies to identify and quantify disparities or gaps in performance between any disaggregated category of students and all CTE concentrators served by the eligible agency under the Act. The commenter indicated that small cell sizes may require them to suppress data and, thus, be unable to identify and quantify disparities and gaps.

Department's Response: We appreciate the commenter's input and acknowledge that eligible agencies may not always have sufficient data to identify and quantify disparities



and gaps in performance of subgroups due to small cell sizes.

One commenter noted that “For both secondary and postsecondary, the performance indicator measuring "placement" [Sec 113(b)(2)(iii) requires a waiting period of "second quarter after exiting..."]. Since most students exit in the spring the December reporting period would not be after 6 months of the exit thus requiring that reporting for all placement options, including continuing higher education or advanced training, would lag by an entire year causing difficulties in identifying placement problems and implementing strategies to remedy these problems. The additional restriction of "second quarter after exiting" also creates a different numerator number for this performance indicator from all other performance indicators decreasing comparative analysis.

Department’s Response: We appreciate the commenter’s input and acknowledge that the statutory requirements for the section 113(b) core indicators of Perkins V may require lag time for the reporting data on the placement indicators.

One commenter recommended removal of the restriction for “professional development” in section 3(40) of Perkins V to be “sustained (not stand-alone, 1-day, or short-term workshops)....” The commenter indicated that “the assumption appears to be that one-day activities are not intensive, collaborative, etc., but requiring two-day or more commitment from educators creates difficulties regarding release time, substitutes, expenditures for overnight lodging/per diem, and interruption of classroom learning time.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally included only statutory requirements and verbatim language of Perkins V, which includes the wording in the parentheticals that professional development not be stand-alone, 1 day, or short-term workshops under section 3(40)(B) of Perkins V.

One commenter requested that the Department add the category “unknown” or “not identified” as a gender option for students who do not identify as male or female.

Department’s Response: While we appreciate the commenter’s input, no changes have been made. According to the current Department specifications for reporting data through *EDFacts*, the attribute “sex” is based on the biological traits that distinguish male and female. However, the *EDFacts* collection now undergoing OMB clearance asks respondents for input on the sufficiency of collecting data only by male and female. Should the Department change its *EdFacts* specifications based on the comments it receives, our office will submit a revised information collection request to make corresponding changes to this CAR data collection.

One commenter expressed concern that no data source exists for placement in the military as Federal Employment Data Exchange System (FEDES) is on hold until further notice.

Department's Response: We appreciate the commenter's input and acknowledge that eligible agencies may need to rely on other sources of data, including survey data, to gather data on placement in the military until FEDES or another data source becomes available.

One commenter requested that additional fields be made available for eligible agencies to report on custom clusters for their State.

Department's Response: We appreciate the commenter's request and have added additional fields for "other" career clusters on the Performance Data Forms in Section IV.B: Performance Data Reports.

One commenter asked whether a State could delay reporting on CTE concentrator proficiency in science, 1S3, if the State has approval to delay implementing its science assessment under the ESEA.

Department's Response: We appreciate the commenter's inquiry and are confirming that that an eligible agency may delay reporting on CTE concentrator proficiency in science, 1S3, if the State has approval to delay implementing its science assessment under the ESEA.

One commenter recommended that the Department revise the definition of "disability" to ensure that it is consistent with the changes made by the ADA Amendments Act of 2008 (ADAAA). The CAR currently defines an individual with a disability as, among other things, an individual who is "regarded as having such an impairment," referring to "a physical or mental impairment that substantially limits one or more of the major life activities of such individual." The ADAAA revised the "regarded as" definition to remove the requirement that an impairment be perceived to substantially limit a major life activity. An applicant or employee is now regarded as having a disability "if the individual establishes that he or she has been subjected to an action prohibited under [the ADAAA] because of an actual or perceived physical or mental impairment *whether or not the impairment limits or is perceived to limit a major life activity*" (emphasis added). This new standard focuses on whether a covered entity engaged in prohibited conduct based on an applicant's or employee's impairment, rather than on the covered entity's perception of the degree to which the impairment limits the applicant or employee. In addition, the ADAAA excludes impairments that are both transitory (defined as having "an actual or expected duration of 6 months or less") and minor from coverage under the "regarded as" prong. Accordingly, the commenter suggested that the Department revise the "regarded as" definition to more accurately reflect the new standard for coverage under this prong.

Department's Response: We appreciate the commenter's input and have made changes to Table 4: Student Categories for Reporting Disaggregated Data on the Section 113(b)(2) Core Indicators in Section IV.B: Performance Data Reports to match the statutory text in 42 U.S.C. 12102.

Finally, at the February 12-13, 2019, Perkins Data Quality Institute hosted by the Department, many State CTE directors and their accountability staffs discussed their differing policies and procedures for gathering and reporting data on CTE concentrators for the section 113 core

indicators of performance. While the Department will continue its work with States to improve, to the extent practicable, the validity, reliability, completeness, and consistency of data gathering and reported under Perkins V, there are likely to be differences across States in operational definitions for the core indicators that could impact how each eligible agency sets and makes continual progress on their State determined performance levels. For this reason, the Department has determined that it needs to collect numerator and denominator definitions for all the core indicators (not just the quality indicators as already requested in the Perkins V State Plan Guide information collection) in order to properly interpret, understand, and make public the annual data it receives. Collection of the numerators and denominators is consistent with past practice under the former Perkins IV legislation. We have made changes to the CTE Concentrator Performance Forms in Section IV: Performance Data Forms.