

Carl D. Perkins Career and Technical Education Act of 2006 (Perkins V)

Perkins V State Plan Guide Information Collection Request

(OMB Control Number 1830-0029)

Responses to Public Comments Received During the 60-Day Notice

On September 11, 2024, the U.S. Department of Education (ED) published for public comment, for a period of 60 days, revisions to two information collection requests associated with the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins V): (1) the Perkins V State Plan Guide (1830-0029), which solicits State plans from States; and (2) the Consolidated Annual Report (CAR) (1830-0569), which collects financial and performance information from States that receive Perkins V funds. On September 23, 2024, ED corrected an error in the publication of the proposed revised instrument for the CAR and posted the correct version. Due to this error, on October 15, 2024, ED extended the public comment period on the CAR for two weeks, to November 26, 2024.

We received 53 comments on the Perkins V State Plan Guide that were submitted through Regulations.gov. We also received comments from State agency officials during briefings about the revisions to the two ICRs and in correspondence from members of Congress. We address all of the comments we received on the Perkins V State Plan Guide in this document.

Timing of the Proposed Changes to the ICR

- 1. Several commenters objected to the timing of the proposed changes and expressed the view that they would have been more appropriately implemented shortly after Congress reauthorized Perkins V.**

Response: The Department appreciates the commenters' views about timing, particularly from States that recently completed the development of new, four-year State plans. As such, we are now proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the Consolidated Annual Report (CAR) information collection request (ICR) (1830-0569) instead. This action is described more fully in response to comment 3. Regarding the proposed data specifications, the Department first received State performance data on the implementation of Perkins V in 2022 which was the first time the discussed measurement issues were apparent. Subsequently, after reviewing the three years of available State performance data, along with information from States about how they have been calculating performance, we determined that States need clearer specifications for the data to be used in calculating the core indicators so that the Department is able to ensure that States performance measurement is fully aligned with the law. We are providing States with a transition period to implement the proposed numerator and denominator specifications to help address concerns regarding the timing of these changes.

Changes: We are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead which is more fully described in the response to #3.

- 2. Several commenters recommended that the Department wait until after the next reauthorization of the Carl D. Perkins Career and Technical Education Act of 2006 before requesting the additional information it is proposing to ask States to include in their State Plans. Several commenters also suggested that the Department give States until FY 2028 to respond to the proposed changes in the State Plan Guide ICR.**

Response: The Department appreciates the commenters' views about timing, particularly from States that recently completed the development of new, four-year State plans. We are now proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the Consolidated Annual Report (CAR) information collection request (ICR) (1830-0569) instead. This action is described more fully in response to comment 3 and will not require States to amend their State plans. Regarding the proposed data specifications, after reviewing three years of State performance data, along with information from States about how they have been calculating performance in 2022 which was the first time the discussed measurement issues were apparent, we concluded that States need clearer specifications for the data to be usable in calculating the core indicators so that their performance measurement is fully aligned with the law. We recognize that States will need time for transition, and we are proposing to give States approximately 18 months in the proposed data collection. To that end, in the State Plan Guide and in the CAR ICR, we are proposing data specifications for the numerators and denominators used to measure the core indicators of performance to assure that we report accurate program data to Congress as the law requires.

Changes: We are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead which is more fully described in the response to #3.

New Narrative Items in the State Plan Guide

Implications for State Plan Development

- 3. Some commenters, particularly States and representatives of States, expressed concern that responding to the proposed new narrative items in the State Plan Guide, such as the proposed request that States describe briefly their policies on the use of Perkins V funds to serve students in the middle grades, would be considered “a significant and relevant change in the information or the assurances in the plan” under 34 CFR 76.140(b) that would require a State to carry out all of the activities Perkins V requires for the development of a new State plan under 34 CFR 76.140(c), including engaging and consulting with stakeholders, conducting public hearings, and soliciting public comment. Some of these commenters were from States that developed new, four-year State plans this year. Some commenters expressed concern that responding to the ICR would require State staff who now provide technical assistance to subrecipients to pause those activities in order to write a new State plan. One commenter noted that including responses to these items in the State plan would make it difficult to change or adjust them later and expressed the view that States should have the flexibility to make changes without “federal oversight.” Additionally, one commenter noted that State approaches to determining whether a credential is “recognized” by industry may change over time**

Response: We understand the concerns offered by the several commenters.

Changes: The State plan process includes important and robust stakeholder consultation processes. However, after considering the concerns shared by commenters about the burden associated with developing new State plans, particularly given the timing of implementation of Perkins V and comments from States that recently completed the development of new, four-year State plans, we are now proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the Consolidated Annual Report (CAR) information collection request (ICR) (1830-0569) instead. Moving these narrative items from the State Plan Guide to the CAR ICR addresses the concerns shared by commenters related to burden associated with developing a new State plan because this action would no longer be required. The new proposed narrative items provide important information around how States are utilizing their federal funds. Specifically, these items help to describe the data that States report and how States operationalize different requirements of the law. By including these items in the CAR ICR, this action allows States to update this information annually as needed. Providing this information in the CAR ICR also allows the Department to collect information that is necessary to inform implementation, better support States, and focus technical assistance. As proposed, States would maintain flexibility to engage in stakeholder consultation as they choose, including through the robust levels of engagement they may go through in updating their State Plan, but they are no longer required to pursue that level of engagement for the proposed narrative items.

Additionally, we are proposing to eliminate the new proposed request for information about “meaningful progress” and we will retain the original State Plan Guide question that asks States to describe how they meet section 113(b)(3)(A)(i)(III).

Specifically, we are proposing to remove from the State Plan Guide the following proposed items:

- The proposed request for separate State-established definitions of “size,” “scope,” and “quality” for secondary and postsecondary programs (II.B.8.h. and i. on page 15) (Perkins V section 122(d)(4)(B) and 134(c)(2)(B)) and we will retain the original State Plan Guide question that asks States to define “size,” “scope,” and “quality” for the purpose of making funds available to eligible recipients;
- The proposed request for State-established definitions of “high-skill” and “high-wage” occupations and industries (II.B.8.j. on page 15) (Perkins V section 122(d)(9)(c));
- The proposed request for a description of “how the eligible agency provides information on high-skill, high-wage, or in-demand industry sectors or occupations to eligible recipients to enable eligible recipients to meet the requirements for the contents of local applications in section 134(b) of Perkins V and comprehensive local needs assessments in section 134(c) of Perkins V” (II.B.8.k. on page 15) (Perkins V section 122(d)(5)(C));
- The proposed request for a description of the eligible agency’s policies on the use of Perkins V funds to serve students in the middle grades, including the grade levels for which funds may be used in the State (II.B.8.l. on page 15) (Perkins V section 122(d)(8)(A));
- The proposed request that, if the eligible agency counts CTE concentrators who received “industry-recognized certificates and certifications” in the numerators of 5S1 and 2P1, a description of how the eligible agency determines that these credentials are recognized by industry, and what methods, if any, are used to disseminate this information to eligible recipients (II.D.2 and 3, page 21) (Perkins V section 122(d)(10)(B));

- The proposed request for the number of postsecondary credits that a student must complete in order to be counted in the numerator for 5S2 (II.D.4 on page 21) (Perkins V section 122(d)(10)(B)); and
- The proposed request for the number of work-based learning hours (or other unit of measurement used by the State) that a student must complete in order to be counted in the numerator for 5S3 (II.D.5 on page 21) (Perkins V section 122(d)(10)(B)).

We intend to propose that these narrative items instead be included in the CAR ICR for the reasons explained above.

We are proposing to retain in the State Plan Guide the proposed data specifications for the core indicators of performance, which do not trigger States to amend their State plan. In implementing the proposed data specifications, States may choose to revise their SDPLs, and in doing so must follow the requirements outlined in section 113(b)(3)(A)(i)(III) of Perkins V.

4. Several commenters reported that they would need more time to prepare and submit a new State plan than the proposed ICR would provide States.

Response: Our relocation of the narrative items from the State Plan Guide to the CAR ICR eliminates the need for States to submit new State Plans to address these items. However, the Department encourages States that have not submitted new State plans since 2019 to consider doing so, given significant changes from before the Covid-19 pandemic, including changes in local, State, and national labor markets, and the needs of students.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead.

5. Two commenters questioned why the Department was proposing to ask States to address narrative items in their State plans that were not specifically mentioned in section 122(d) of Perkins V. The commenters' view is that the contents of State plans should be limited to the items described in section 122(d) of Perkins V only.

Response: Section 122(d) of Perkins V asks States to describe their process or criteria to be used for approving local programs and how such programs address State workforce needs. All of the items which we proposed to collect narrative responses in the State Plan are implicated in Section 122(d), which we identify in the citations in the bulleted list of the narrative items in response to comment #3 above. The collection of this information is important to ensure that eligible recipients are aware of State requirements. We recognize, however, that requesting this information through the CAR ICR, rather than the State plan, would, given the timing of implementation of Perkins V, reduce administrative burden for States. In addition, the Secretary has the statutory authority to collect this data to effectively report on “the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under” Title I of Perkins V (section 114(a)(1)) and to “carry out research” concerning CTE programs under Perkins V (section 114(c)(1)); and to “collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs” General Educations Provisions Act section 431, 20 U.S.C. 1231a.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and are proposing to include them in the CAR ICR (1830-0569) instead.

- 6. Several commenters expressed concern that directing States to amend their existing Perkins State Plans or to submit new State Plans in FY 2026 would put Perkins V and the Workforce Innovation and Opportunity Act (WIOA) Unified or Consolidated State Plans on different timelines. One of these commenters noted that “2024 was the first time that States could submit consolidated plans on the same timeline for those two laws.”**

Response: We appreciate the commenters’ concerns about aligning the submission timelines of Perkins V and WIOA Unified or Consolidated State Plans. As one of the commenters noted, 2024 was the first time that States could submit new State plans under the two laws which could be Combined State plans. The Department strongly encouraged all States to submit new Perkins V State Plans in 2024,¹ but only 17 States chose to do so. The next opportunity for improving the alignment of State Perkins V and WIOA Unified or Combined State Plans is in FY 2026, when all States must submit modifications to their WIOA Unified or Combined State Plans. We hope that the remaining States will choose to amend their existing, or submit new, Perkins V State Plans alone or as a component of a WIOA Unified or Combined State plan by or before 2026. The Department is no longer proposing to direct States to update their State plans based on responses to the proposed new narrative items but encourages States to continue to work to align the implementation of these two laws.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead.

- 7. Two commenters expressed concern that requiring States to prepare and submit new State plans would have “unintended negative consequences for equity provisions included in existing State plans” in “States where the political climate can vary considerably.”**

Response: The Department is now proposing to remove all proposed new narrative items from the State Plan Guide and intends to propose to include them in the CAR ICR (1830-0569) instead.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead.

- 8. One commenter suggested that the Department publish a voluntary request for information to collect the additional information that it is proposing to require States to provide in their State plans.**

Response: In response to comments, the Department is proposing to remove the proposed narrative items highlighted by the commenter from the State Plan Guide and include them instead in the CAR ICR to reduce burden on States. However, we continue to believe that it is critical to collect this information about State implementation of Perkins V. For example, section 135(b) of Perkins V limits the use of subgrant funds by subrecipients to supporting “career and technical education programs that are of

¹ Office of Career, Technical, and Adult Education, Program Memorandum 24-1, October 26, 2023. Retrieved from: https://s3.amazonaws.com/PCRN/docs/OCTAE_Program_Memo_24-1_Perkins_State_Plan_Guidance.pdf

sufficient size, scope, and quality to be effective.” The Department is responsible for ensuring that each State is implementing these statutory terms that are applicable both to secondary and postsecondary CTE programs and programs of study. A voluntary request for information would not achieve this result.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead.

Institute of Education Sciences State Survey

9. **Several commenters stated that it was unnecessary for States to include in their State plans definitions for “high-skill” and “high-wage” occupations or industries because States previously provided this information to the Department when they responded to a survey from the American Institutes of Research that was commissioned by the Institute of Education Sciences (IES) for the National Evaluation of Career and Technical Education Programs under Perkins V. Two commenters also objected to the proposed request on serving students in the middle grades because the IES survey asked questions about services for students in the middle grades.**

Response: As noted on the IES survey instrument that States completed, the information States provided in their survey responses is confidential and cannot be shared by IES with the Office of Career, Technical, and Adult Education (OCTAE) except in aggregate form and without attribution to specific States. As a result, it is necessary to collect this information through the proposed information collection, which will provide necessary information to OCTAE and interested members of the public. In addition, the Secretary has the statutory authority to collect this data to effectively report on “the condition of career and technical education and on the effectiveness of State and local programs, services, and activities carried out under” Title I of Perkins V (section 114(a)(1)) and to “carry out research” concerning CTE programs under Perkins V (section 114(c)(1)); and to “collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving the intended purposes of such programs” General Education Provisions Act section 431, 20 U.S.C. 1231a.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead.

Definitions of “Size,” “Scope,” and “Quality” (Items B.8(h) and (i) on page 15)

10. **Two commenters objected to the proposed requests that States provide definitions of “size,” “scope,” and “quality” for both secondary and postsecondary programs and maintained that these requests “effectively amount to regulation.” These commenters expressed the view that Perkins V does not require States to define these terms or to establish separate definitions for secondary and postsecondary programs.**

Response: Section 135(b) of Perkins V limits the use of subgrant funds by subrecipients to supporting “career and technical education programs that are of sufficient size, scope, and quality to be effective.” 34 CFR 76.770 requires each State to “have procedures for reviewing and approving applications for subgrants and amendments to those applications, for providing technical assistance, for evaluating

projects, and for performing other administrative responsibilities the State has determined are necessary to ensure compliance with applicable statutes and regulations.” 2 CFR 200.332(e) requires each State to “monitor the activities of a subrecipient as necessary to ensure that the subrecipient complies with Federal statutes, regulations, and the terms and conditions of the subaward.” In addition, Section 134(c)(2)(B) requires local needs assessments to provide “[a] description of how career and technical education programs offered by the eligible recipient are— (i) sufficient in size, scope, and quality to meet the needs of all students served by the eligible recipient.” States must provide appropriate oversight to ensure that subrecipients comply with the statutory limitation on the uses of funds and address the associated statutory requirements, like the local needs assessment. These statutory requirements apply to both secondary programs that are supported with funds under section 131 and postsecondary programs that are supported with funds under section 132, so it is appropriate for the Department to ask about implementation of these terms in both types of programs. However, in response to comments we received, we are proposing to move these items to the CAR ICR in order to reduce administrative burden on States given where we are in implementation of Perkins V.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead and will retain the original State Plan Guide question that asks States to describe how they meet section 113(b)(3)(A)(i)(III). We are clarifying that States may provide their definitions of “size,” “scope,” and “quality” or a description of their implementation of these terms related to programs funded under sections 131 and 132 in response to these proposed questions in the CAR ICR.

- 11. One commenter, a State Department of Education, objected to the proposed request that States provide definitions of “size,” “scope,” and “quality” for both secondary and postsecondary programs because the State uses one set of definitions applicable to all programs. The commenter stated that it would be burdensome and time consuming for the State to develop separate definitions for secondary and postsecondary programs.**

Response: There is no requirement that a State must have separate definitions of “size,” “scope,” and “quality” for secondary and postsecondary programs, provided that it is supporting eligible recipients in implementing these terms in programs funded under section 131 and under section 132. States, in fulfilling their statutory obligations, must provide oversight of eligible recipient implementation of these terms, as described further in response to #10 above.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead and will retain the original State Plan Guide question that asks States to describe how they meet section 113(b)(3)(A)(i)(III). We are clarifying that States may provide their definitions of “size,” “scope,” and “quality” or a description of their implementation of these terms related to programs funded under sections 131 and 132 in response to these proposed questions in the CAR ICR.

- 12. One commenter expressed the view that State definitions of “size,” “scope,” and “quality” “should flexibly accommodate local labor market variations.”**

Response: States have the discretion to accommodate local labor market variations in their approaches to program “size,” “scope,” and “quality.” The Department is not proposing to establish definition of these terms.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide and intend to propose to include them in the CAR ICR (1830-0569) instead. We are clarifying that States may provide their definitions of “size,” “scope,” and “quality” or a description of their implementation of these terms related to programs funded under sections 131 and 132 in response to these proposed questions in the CAR ICR.

Definitions for “High Skill” and “High-Wage” Occupations (Items B. 8(j) and (k) on page 15)

- 13. One commenter supported the proposed request for State definitions of “high skill” and “high-wage” occupations and industries. The commenter noted that, because the terms are “prevalent” in Perkins V, “states should define what these terms mean to allow for better understanding at the national level of what programs and industries meet these qualifications,” as well as to promote a better understanding of the terms among subrecipients for consistency in implementation.**

Response: We appreciate the commenter’s support for the proposed request for State definitions of “high skill” and “high-wage” occupations and industries.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including State definitions for “high-skill” and “high-wage” occupations and industries, and intend to propose to include them in the CAR ICR (1830-0569) instead.

- 14. One commenter expressed concern that requesting that States provide definitions of “high-skill” and “high-wage” occupations and industries “does not fully acknowledge the role of local and regional variations in high-skill and high-wage designations.”**

Response: In operationalizing “high-skill” and “high-wage” occupations and industries, States have the flexibility to take into account local and regional variations in skill and wages.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including State definitions for “high-skill” and “high-wage” occupations and industries, and intend to propose to include them in the CAR ICR (1830-0569) instead. States may provide their definitions of “high-skill” and “high-wage” occupations and industries or a description of their implementation of these terms in response to these proposed questions in the CAR ICR.

- 15. One commenter expressed concern that the Department did not provide guidance on how definitions of “high-skill” and “high-wage” relate to those from other federal policy proposals.**

Response: We agree that guidance on the definitions of “high-skill” and “high-wage” occupations and industries could be helpful to States and subrecipients. However, the State Plan Guide and CAR ICRs are data collection instruments.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including State definitions for “high-skill” and “high-wage” occupations and industries, and intend to propose to request that States describe how they implement these concepts in the CAR ICR (1830-0569) instead.

- 16. One commenter objected to requesting that States provide definitions of “high-skill” and “high-wage” because they are “not required by statute.” The commenter also reported that it was confusing that the ICR did not also request a definition of “in-demand” occupations and industries.**

Response: The commenter is correct that the statute does not define “high-skill” and “high-wage.” However, section 122(d)(9)(C) requires States to include in their State plan a description of their program strategies which “enable individuals who are members of special populations to meet or exceed State determined levels of performance described in section 113, and prepare special populations for further learning and for high-skill, high-wage, or in-demand industry sectors or occupations.” In addition, under section 124(a)(1)(A), States are required to spend leadership funds to support “preparation for non-traditional fields in current and emerging professions, programs for special populations, and other activities that expose students, including special populations, to high-skill, high-wage, and in-demand occupations.” The Department is collecting information on how States operationalize “high-skill” and “high-wage” descriptions and the implementation of these terms, so that we can fully understand how they will prepare individuals who are members of special populations for “high-skill” and “high-wage” industries and occupations as well as use State leadership funds to support these efforts. The Department is not requesting that States provide a definition of “in-demand industry sector or occupation” because this term is defined in the Perkins V statute. Section 3(26) of Perkins V defines “in-demand industry sector or occupation” by cross-referencing the definition of this term in section 3(23) of WIOA.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including State definitions for “high-skill” and “high-wage” occupations and industries, and propose to request that States describe how they implement these concepts in the CAR ICR (1830-0569) instead. States may provide their definitions of “high-skill” and “high-wage” occupations and industries or a description of their implementation of these terms in response to these proposed questions in the CAR ICR.

Serving Students in the Middle Grades (Item B.8(l) on page 15)

- 17. Two commenters expressed support for the proposed request that States describe their policies for the use of Perkins V funds to serve students in the “middle grades.”**

Response: We appreciate the commenters’ support for the proposed request.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed request that States describe their policies for the use of Perkins V funds to serve students in the “middle grades,” and intend to propose to include them in the CAR ICR (1830-0569) instead.

- 18. One commenter recommended that the Department collect additional data about State policies on middle school career exploration courses or activities, how States integrate career exploration outcomes into their accountability systems and how the data are used to improve outcomes, how States incentivize career exploration in middle schools, and whether States use Perkins V funds for middle school educators or to provide “material supports” to these educators.**

Response: We appreciate the commenter’s recommendation and agree that there is a need for more comprehensive and detailed information about State policies and practices in serving students in the “middle grades.” As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed request that States describe their policies for the use of Perkins V funds to serve students in the “middle grades,” and intend to propose to include them in the CAR ICR (1830-0569) instead. We believe that this will provide an opportunity for States to respond to the commenter’s suggestions as well as an opportunity for States to update their approaches, over time, based on their needs.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed request that States describe their policies for the use of Perkins V funds to serve students in the “middle grades,” and intend to propose to include them in the CAR ICR (1830-0569) instead.

19. **One commenter recommended that, in lieu of the proposed request that States describe their policies on the use of funds to serve students in the middle grades, the Department should provide guidance clarifying in “what instances a State would need to describe state-level middle school programs the state will support, develop, or improve as well as the state agency’s policies on the use of Perkins funds for middle school programs.”**

Response: We agree that guidance on serving students in the “middle grades” with Perkins V funds could be helpful to States and subrecipients. However, the State Plan Guide and CAR ICRs are data collection instruments.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed request that States describe their policies for the use of Perkins V funds to serve students in the “middle grades,” and intend to propose to include them in the CAR ICR (1830-0569) instead.

Industry-Recognized Certificates and Certifications (Items D.2 and D.3 on page 21)

20. **One commenter expressed concern about the Department’s proposal that States include in their State plans a description of how they determine that “industry-recognized certificates and certifications” counted in the numerators of the secondary program quality indicator that measures the attainment of a recognized postsecondary credential (5S1) and the postsecondary performance indicator that measures the attainment of a recognized postsecondary credential (2P1) are “recognized by industry.” The commenter contended that “the ICR is likely to create confusion about what credentials ‘count’ for other federal investments, like WIOA and [the Elementary and Secondary Education Act of 1965, as amended (ESEA)], given both of those statutes use the [Recognized Postsecondary Credential] (RPC) definition and are intended to align with Perkins V’s accountability framework” and argued that “given the potential wide-ranging implications of adopting such a definition for multiple statutory schemes,” the commenter stated that it “believes it should be done in statute rather than through a sub-regulatory ICR process.”**

Response: The Departments of Education and Labor issued joint non-regulatory guidance in 2017 that specifies basic criteria that industry-recognized credentials must meet to be counted in the WIOA

credential attainment indicator of performance established by section 116(b)(2)(A)(i)(IV) of WIOA. For example, the guidance excludes “certificates awarded by workforce development boards (WDBs) and work readiness certificates” and credentials for the attainment of “general skills related to safety, hygiene, etc., even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.”²

As such, the Department is not proposing to issue comparable or similar guidance for the “industry-recognized certificates and certifications” that are counted by States in 5S1 and 2P1. Nor is the intention of this information request to create an independent requirement for coordination. It is instead proposing that States that do count these credentials in their measurement of 5S1 and 2P1 identify in their annual CAR submission how they determine these credentials are “recognized” by industry, i.e. how States determine what gets counted under these measures.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead.

21. **Two commenters expressed concern that requesting that States describe how they determine credentials are recognized by industry would result in a State definition that was inconsistent with how other federal programs make this determination and “create significant confusion in the field and dramatically weaken the ability to align CTE with other education and workforce development efforts.” Several other commenters expressed concern that the proposal would require the State to have a different definition of “industry-recognized certificates and certifications” than what it uses in other Federal programs.**

Response: The Department is not proposing to establish a specific definition or process. States will determine the extent to which their industry recognition determinations for Perkins V aligns with how such determinations are made by the State for other federal programs. States have flexibility to establish how they make these determinations for Perkins V. We hope that our proposed data collection will promote greater consultation among State education and workforce development agencies about industry recognition and closer alignment in how a State makes these determinations across multiple federal programs.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead.

22. **Several commenters objected to the proposed request that States that count “industry-recognized certificates and certifications” in measuring 5S1 and 2P1 describe how they determine these credentials are recognized by industry because Perkins V does not mandate a “specific process for industry validation of credentials.”**

Response: The Department is not directing States to implement a specific process for industry validation of credentials. We are proposing to request that States describe in their annual CAR submission how for

² Office of Career, Technical, and Adult Education, Performance Accountability Guidance for Workforce Innovation and Opportunity Act (WIOA) Core Programs (Program Memorandum 17-2), June 11, 2024. Retrieved from: <https://www.ed.gov/sites/ed/files/about/offices/list/ovae/pi/AdultEd/octae-program-memo-17-2.pdf>.

the most recent reporting year the State determined whether a credential is “recognized” by industry, i.e., how States determine what gets counted under 5S1 and 2P1. States have flexibility to devise and describe how they make these determinations.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead.

23. One commenter expressed concern that the Department was requesting “detailed information on State processes for determining industry recognition.”

Response: The proposed request, which we are now proposing to relocate from the State Plan Guide to the CAR ICR, asks States to describe how they determine that certificates and certifications are “recognized” by industry, i.e., how States determine what gets counted under 5S1 and 2P1. It does not prescribe the specific level of detail that a State must provide in response to the proposed request.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead.

24. One commenter, a State Department of Education, objected to “the request to determine procedures for determining industry recognized credentials” because the “verification or validation of credentials is overseen by multiple agencies,” as well as by “regional industry sector councils.” The commenter stated neither it nor subrecipients have “direct influence” over those processes, which could make it difficult to identify appropriate credentials. The commenter went on to indicate that it may decide to discontinue using the recognized postsecondary credential indicator as a result.

Response: We appreciate the commenter’s concerns and recognize that an eligible agency does not necessarily have direct influence over the extent to which there is industry recognition of a certificate or certification. We are not proposing to request that States create new processes to make independent determinations of industry recognition; rather the intention is to gather information on what is currently occurring in the States. In the situation described by the commenter, the commenter could indicate in its response that its industry recognition determination is based on the determinations made by multiple agencies and regional industry sector councils.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead.

25. One commenter expressed support for the Department’s proposal that States include in their State plans a description of how they determine that “industry-recognized certificates and certifications” counted in the numerators of the secondary program quality indicator that measures the attainment of a recognized postsecondary credential (5S1) and the postsecondary performance indicator that measures the attainment of a recognized postsecondary credential (2P1) are “recognized by industry.” The commenter noted that if a State does not already define these terms, the State plan process “will enable key stakeholders within a state to strategize on this area more broadly.”

Response: We appreciate the commenter’s support and agree that States should consult with key stakeholders in making decisions about how they make industry recognition determinations. As noted earlier, we hope that our proposed data collection will promote greater consultation among State education and workforce development agencies about industry recognition and closer alignment in how a State makes these determinations across multiple federal programs.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about industry recognition, and intend to propose to include them in the CAR ICR (1830-0569) instead. As previously described, moving these items to the CAR ICR allows the Department to collect this information around States’ practices but does not require States to amend their State Plans.

Postsecondary Credits Secondary Program Quality Indicator (Item D.4 on page 21)

- 26. One commenter objected to the proposed request that States specify the number of postsecondary credits a graduating CTE concentrator must attain to be included in the numerator of postsecondary credits secondary program quality indicator (5S2). The commenter stated that this request would “impose additional administrative burdens on states and local education agencies, potentially diverting resources away from direct support for students and programs.**

Response: The Department is proposing to ask States to identify the number of postsecondary credits that they have opted to require CTE concentrators to attain to be included in the numerator of the indicator. We do not specify a number that States must use. We do not agree that providing a number is administratively burdensome to States, as we believe that the majority of States have already defined this information in data manuals or other administrative procedures which are necessary to implement this core indicator. We believe that this information is necessary to understand how States are measuring this indicator.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about postsecondary credits, and intend to propose to include them in the CAR ICR (1830-0569) instead. As previously described, moving these items to the CAR ICR allows the Department to collect this information around States’ practices but does not require States to amend their State Plans.

Work-Based Learning Quality Indicator (Item D.5 on page 21)

- 27. One commenter expressed support for the proposed request that States specify in their State plans the number of hours or credits (or other unit of measurement) of work-based learning that a graduating CTE concentrator must complete to be included in the numerator of the work-based learning secondary program quality indicator. The commenter noted that the collection of these data will “allow for more clear and accurate state-by-state comparisons of thresholds being used to measure work-based learning program quality.”**

Response: We appreciate the commenter’s support and agree that this information is critical to understanding how States are measuring this indicator.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed requests about work-based learning, and intend to propose to include them in the CAR ICR (1830-0569) instead.

28. **One commenter recommended that the Department provide guidance that outlines the components of quality work-based learning experiences because the commenter’s view is that “many states do not have a framework in place that defines quality expectations for work-based learning” for which schools and districts are held accountable.**

Response: We agree that guidance on the components of quality work-based learning experiences could be helpful to States and subrecipients. However, the State Plan Guide and CAR ICRs are data collection instruments. We hope that when States provide information about the number of hours or credits (or other unit of measurement) of work-based learning that a graduating CTE concentrator must complete to be included in the numerator of the work-based learning secondary program quality indicator, which is now a proposed CAR ICR question and was previously proposed in the State Plan Guide, doing so will provide additional clarity to schools and districts on how States define quality expectations for work-based learning.

Changes: None.

29. **One commenter, a State Department of Education, objected to the proposed request that States specify in their State plans the number of hours or credits (or other unit of measurement) of work-based learning that a graduating CTE concentrator must complete to be included in the numerator of the work-based learning secondary program quality indicator because the State’s administrative code authorizes local school districts to set a higher or lower threshold than the one established by the State. The commenter was concerned that a State-defined threshold could “inadvertently exclude” CTE concentrators who participated in work-based learning “because their district has a higher or lower number of required hours.”**

Response: We understand the commenter’s desire to include all students who participate in work-based learning in the numerator. A State has discretion to set the threshold at whatever level it deems appropriate. We are proposing to request that the State identify this threshold in its CAR submission, which we previously proposed as part of its State Plan Guide.

Changes: As described in the response to #3, we are proposing to remove all of the proposed new narrative items from the State Plan Guide, including the proposed request that States specify in their State plans the number of hours or credits (or other unit of measurement) of work-based learning that a graduating CTE concentrator must complete to be included in the numerator of the work-based learning secondary program quality indicator, and intend to propose to include them in the CAR ICR (1830-0569) instead.

Definition of “Meaningful Progress” (Item D.8.ii on page 22)

30. **Several commenters expressed opposition to the proposed request that States provide their definitions of “meaningful progress” and how each of the State-determined performance levels satisfy that definition. One commenter described it as an “overly prescriptive mandate.” Another noted that the proposed request was “problematic” because its State determined performance levels “have a variety of growth targets based on existing performance and**

potential for growth.” It noted that “there is not as much room for improvement in graduation rates as there is in work-based learning participation.” Two other commenters expressed concern that asking States to provide this information impinged on a State’s exclusive authority to determine its performance levels.

Response: We understand the concerns about explaining how each State-determined performance level “require[s] the State to continually make meaningful progress toward improving the performance of all career and technical education students” Section 113(b)(3)(A)(i)(III)(bb) of Perkins V. Perkins V holds all States accountable for 10 core indicators of performance, and States have the option to include, in their State Plans, State-determined performance levels for the extended-year adjusted cohort graduation rate (1S2) and as many secondary program quality performance indicators as they choose. State performance on each of these indicators varies considerably. Section 113(b)(3)(A)(i)(III)(bb) also requires States to address and factor into their considerations of “meaningful progress” the performance of the subgroups described in section 1111(h)(1)(C)(ii) of ESEA and the nine subgroups of “special populations” identified in section 3(48) of Perkins V. After considering these comments, we believe that requiring States to provide a definition of “meaningful progress” and explain how each of the State-determined performance levels satisfies this definition and how the State took into consideration the performance of student subgroups could be more burdensome for States than necessary at this time. We will continue to ask States about how they are meeting the statutory requirements in section 113(b)(3)(A)(i)(III) consistent with the original State Plan Guide and will continue to work with States on “meaningful progress” through our program monitoring activities.

Changes: As described in the response to #3, we propose to remove the proposed additional request for information about the definition of “meaningful progress” and will retain the original State Plan Guide question that asks States to describe how they meet section 113(b)(3)(A)(i)(III).

Data Specifications for Core Indicators of Performance (Table 2, pages 31 to 38)

Assuring Compliance with Statutory Provisions

- 31. Several commenters urged the Department to address instances in which States were not measuring the core indicators of performance individually with those States through technical assistance, instead of providing data specifications for the numerators and denominators that would be used by all States.**

Response: The Department’s goal is to provide better support to all States in measuring the core indicators of performance according to what the law requires. When the Department first solicited State plans in 2019, it provided States with only the text of the law. After reviewing three years of State performance data, along with information from States about how they have been calculating performance in 2022, we concluded that States need clearer specifications for the data to be usable in calculating the core indicators so that their performance measurement is fully aligned with the law. To that end, in the State Plan Guide and in the CAR ICR, we are proposing data specifications for the numerators and denominators used to measure the core indicators of performance to assure that we report accurate program data to Congress as the law requires.

The Department has and will continue to tailor technical assistance to individual State needs. However, a sampling of how States are measuring several of the indicators in their CAR submissions has

demonstrated that more clarity is necessary in order to comply with section 113(b)(2)(A). For example, for the 2022-23 reporting year, it appears that seven States are reporting on the academic proficiency (2S1, 2S2, 2S3) of CTE concentrators who graduated from high school only, excluding from their calculation those CTE concentrators who exited secondary school without graduating, and at least seven are excluding from their measurement of the indicator the scores of CTE concentrators who did not attend the same school within a local educational agency (LEA) for at least half of a school year. Similarly, at least 18 States appear to have reported only on the post-program outcomes of CTE concentrators (3S1) who graduated from high school, excluding CTE concentrators who exited from secondary education without graduating. Clearly specifying the data to be used by States to calculate performance is a reasonable response to this lack of clarity in order to ensure compliance with sections 113(b)(2)(A-B) of Perkins V.

Changes: None.

- 32. Two commenters expressed concern that the Department reports in the supporting statement in several instances that “it appears” that “some States” are not measuring a core indicator in a manner consistent with the statute. The commenters questioned why the Department was justified in proposing the data specifications “if the underlying issues and challenges these changes are seeking to address are only allegedly present in a small handful of states (if any).”**

Response: The Department determined that it was necessary to propose data specifications for the core indicators of performance based on the information that States have provided in three years of annual CAR submissions about how they were measuring the core indicators. While some of the State descriptions were clear and straightforward, others were not, making it difficult to understand how a State was calculating its performance on an indicator. Hence, we sometimes used the phrase “it appears” in the supporting statement.

Changes: None.

Loss of Trend Data

- 33. Several commenters objected to the proposed data specifications because they would require significant changes in how some States collect and report data for some of the core indicators of performance. These commenters expressed concern that some States would have to discard years of trend data that they have been using to monitor and hold subgrantees accountable for performance improvement and gap-closing. They argued that this was a more compelling need than promoting greater consistency in how States measure the core indicators of performance. Other commenters expressed concern that the loss of trend data would make it difficult to advocate effectively for funding for CTE.**

Response: We appreciate the interest in tracking improvements in performance over time but believe the more compelling need is to ensure that the methods States use to measure core indicators of performance comply with the statute. Additionally, we believe that there is limited value in tracking trends if the underlying data are duplicative, as can be the case when an active cohort is used to measure academic proficiency (2S1, 2S2, 2S3), or the data are incomplete or inaccurate, as can be the case with the post-program placement indicators (3S1, 1P1) due to the inadequate amount of time

States now have to collect these data and, at the secondary level, the exclusion of CTE concentrators who did not graduate high school.

Changes: None.

Time Required to Implement the Data Specifications

- 34. Several commenters reported that they would be unable to use the proposed data specifications for the core indicators in Program Year 2026 (beginning July 1, 2026) and would need additional time to implement them.**

Response: We recognize and agree that States need time to transition to use the proposed data specifications where they may differ from what States have been reporting. We are proposing to give States approximately 18 months, or prior to the start of the 2026-27 program year, before they must begin using the proposed data specifications. States would then have one additional program year before reporting student outcomes, which would occur in January 2028. We believe that this is enough time for States to evaluate their current measurement approaches and take steps to implement the proposed data specifications where they may differ. We also believe that this amount of time allows States to create the appropriate data infrastructure to ensure that those student outcome data, are accurate. The Department anticipates providing technical assistance to States, especially those States that anticipate they may face challenges meeting this timeline.

Changes: None.

Implications for Local Performance Targets

- 35. Several commenters expressed concern that the proposed data specifications may require States to renegotiate local performance targets.**

Response: As stated earlier, in implementing the proposed data specifications, States may choose to revise their SDPLs which may impact local performance targets. We believe that the proposed timeline provides States with enough time to evaluate their processes and to make any adjustments that may be necessary. We will also work with individual States based on their need for additional support.

Changes: None.

Four-Year and Extended-Year Adjusted Cohort Graduation Rates (1S1 and 1S2) (page 31)

- 36. Two commenters objected to the proposed data specifications for graduation rates, describing them as “changes to the law’s calculation of graduation rates” that the Department was proposing “based on issues found in merely ‘one state.’”**

Response: We are proposing data specifications for all of the core indicators of performance to provide States with clear and precise information about the measurement of the core indicators. Based on the information available to the Department through State CAR submissions, it appears that one State is not calculating the graduation rate indicators consistent with the way they are defined in the statute, but not all States provided clear descriptions of the numerators and denominators they used to make their calculations, so it is unclear whether they are complying with the statute. Some States are already measuring the indicators as we have outlined in the proposed data specifications and would not have to make any changes in their data collection practices.

Changes: None.

37. **Two commenters noted that the data specifications for the graduation rate indicators were not identical to the statutory description of the graduation rate indicators in ESEA because they did not note that the statute specifies that the regular high school diploma could be earned “before and during the fourth year of high school,” and not only at the conclusion of the fourth year of high school. Similarly, the commenters note that the data specifications do not include clause (II) in the statutory definitions of “four-year adjusted cohort graduation rate” (ESEA section 8101 (25)(A)(ii)(II)) and “extended-year adjusted cohort rate” (ESEA section 8101 (23)(A)(ii)(II)) that excludes a general equivalency diploma, certificate of completion, certificate of attendance or “similar lesser credential.”**

Response: We appreciate the comments. We have revised the data specifications to include all of the relevant statutory text related to the measurement of the graduation rate indicators.

Changes: We have modified the proposed data specifications to indicate, consistent with ESEA, that a regular high school diploma may be earned “before, during, or at the conclusion of the fourth year of high school,” and not only at the conclusion of the fourth year of high school. We also have added clause (II) in the statutory definitions of “four-year adjusted cohort graduation rate” (ESEA section 8101 (25)(A)(ii)(II)) and “extended-year adjusted cohort rate” (ESEA section 8101 (23)(A)(ii)(II)) that excludes a general equivalency diploma, certificate of completion, certificate of attendance or “similar lesser credential.”

38. **The two commenters who expressed concern that the proposed data specifications for graduation rates did not include all of the text in the statutory description of the indicators also expressed concern that the specifications were “extremely complex, making it difficult to interpret for purposes of program improvement and transparency and for States to implement in alignment with their [ESEA] cohort rate.”**

Response: We think the four-year adjusted cohort graduation rate and the extended-year cohort graduation rate established by Congress in ESEA and incorporated by Congress in Perkins V are commonly used by those in the field and can be easily used for program improvement purposes. The proposed data specifications, which at the commenters’ recommendation, now include all of the statutory text from ESEA, are intended for use by eligible agencies to assure that their measurement of these indicators is in complete “alignment with their [ESEA] cohort rate.”

Changes: None.

CTE Concentrator Academic Proficiency (2S1, 2S2, 2S3) (pages 32 to 34)

39. **A commenter expressed concern that the Department’s proposal to collect data on CTE concentrators’ academic proficiency (2S1, 2S2, and 2S3) upon their exit from secondary education would expand the pool of CTE concentrators about whom States report to include students who became CTE concentrators after taking the State academic assessments. The commenter raised the example of a State that currently reports only on CTE concentrators who took the 11th grade assessments and does not report on students who became CTE concentrators in their senior year.**

Response: Collecting data on CTE concentrators' academic proficiency upon their exit from secondary education includes students who became CTE concentrators after taking the State academic assessments which, depending on the State, may be administered in different academic years. The statutory definition of "CTE concentrator" at the secondary level in section 3(12) of Perkins V is a student "who has completed at least 2 courses in a single career and technical education program or program of study." This includes students who complete the two-course threshold in any year of high school, not just those students who concentrate prior to or in the year the State academic assessments are administered.

Changes: None.

40. **One commenter contended that the proposed data specifications for the core indicators of performance "appear to mandate reporting approaches that are inconsistent with how these measures are being implemented in [ESEA], potentially re-siloing CTE and K- 12 education reporting." The commenter went on to express concern that "this approach may undermine ongoing state efforts to develop statewide data dashboards that serve as critical access points to this integrated information for students, teachers, school leaders, local workforce boards, and other state and local data users." Two commenters had similar concerns, maintaining that the academic proficiency data specifications would reduce alignment between Perkins V and ESEA reporting.**

Response: The proposed data specifications for the three Perkins V academic proficiency indicators described by section 113(b)(2)(A)(ii) of Perkins V (2S1, 2S2, and 2S3) are fully aligned with the requirements for reporting on student achievement on the State academic assessments in the State report card under paragraph (h) of section 1111 of Title I, Part A of the ESEA (ESEA, §1111(h)(1)(C)(ii)).

Data on student performance on the State assessments in reading/language arts and mathematics (but not science) are also used for the academic achievement indicator in the State's ESEA Title I, Part A system of annual meaningful differentiation, which is used to identify schools for support and improvement. The ESEA academic achievement indicator in the State's system of annual meaningful differentiation is not consistent with the requirements of section 113(b)(2)(A)(ii) of Perkins V for two reasons. First, for high schools only, a State may choose to include in the ESEA academic achievement indicator students who demonstrate growth in their performance on the ESEA academic assessments, as well as students who demonstrate proficiency. Section 113(b)(2)(A)(ii) of Perkins V, however, refers only to "CTE concentrator proficiency" as measured by the academic assessments described in ESEA section 1111(b)(2); it does not include CTE concentrators who make progress toward proficiency. The academic achievement indicator in the State system of annual meaningful differentiation under ESEA also excludes the assessment performance of any student who did not attend the same school within a local educational agency for at least half of a school year. The statutory description of the academic proficiency indicators in section 113(b)(2)(A)(ii) of Perkins V, on the other hand, does not exclude the performance of CTE concentrators with partial attendance.

With respect to the concern about undermining State "data dashboards," we point out again that the proposed data specifications for the Perkins V academic proficiency indicators would require States to align their reporting on CTE concentrator proficiency with how States are reporting on student academic proficiency on the ESEA State report card, bringing these two systems more closely into alignment.

Changes: None.

- 41. One commenter maintained that the use of an “exit” cohort for reporting on CTE concentrator academic proficiency is inconsistent with how States report on academic proficiency under ESEA Title I, Part A.**

Response: It is the use of an “active” cohort to report CTE concentrator proficiency that is inconsistent with State reporting on student academic performance under ESEA, Title I, Part A, not the use of an “exit” cohort, i.e. under Title I, a student’s performance on the assessments is counted only one time in high school and a State may not include the same result in the accountability system more than once. Under ESEA Title I, Part A, States must assess every student at least once on the student’s proficiency on the State assessments; some States report on the current year’s participants and others report based on a cohort model. States have discretion on the content and grade in which the assessments are administered, so the only way to capture the overall performance of CTE concentrators is through an exit cohort, where the student’s assessment performance is included only one time in high school. This brings Perkins into alignment with ESEA measurement and reporting regarding the requirement to include a student’s performance only one time, which the Department believes is the most important aspect of the requirement, even though it may result in the student’s performance being reported in different years for Perkins V and Title I, Part A reporting.

Changes: None.

- 42. Two commenters objected to the use of an “exit” cohort for reporting on CTE concentrator academic proficiency because waiting until a concentrator exits secondary school would prevent States from using academic assessment for performance improvement purposes while the student is still enrolled in school.**

Response: The Department has proposed specifications for the three Perkins V academic proficiency indicators to fully align with the requirements for reporting on student achievement on the ESEA State academic assessments in the State report card under paragraph (h) of section 1111 of ESEA, Title I, Part A (ESEA, §1111(h)(1)(c)(ii)), consistent with the Perkins V statute. The proposed data specifications only indicate when a State reports on academic proficiency to the Department. They do not prevent States from using academic assessment data for performance and program improvement purposes as soon as these data become available.

Changes: None.

- 43. One commenter objected to the proposed data specifications for reporting on CTE concentrator academic proficiency because they interpreted them as requiring the State to report on CTE concentrator proficiency in each of grades 8 through 12. The State currently reports on academic proficiency using the CTE concentrator’s best score on the State assessment through the end of the 11th grade year.**

Response: The proposed data specifications do not request that States report on CTE concentrators’ academic proficiency in each of grades 8 through 12. They request that States report once on academic proficiency when the CTE concentrator exits secondary education. In the case of the State example raised by the commenter, the State would continue to report on academic proficiency using the CTE

concentrator's best score on the State assessment through the end of the 11th grade year, but would do so once when the CTE concentrator exits secondary education.

Changes: None.

Secondary Post-Program Placement (3S1) (page 34)

- 44. Several commenters objected to the inclusion of all CTE concentrators who exited secondary education in the data specification for the secondary post-program placement indicator (3S1) because it will be difficult for schools to locate and follow up on CTE concentrators who did not graduate from high school.**

Response: The statute requires the inclusion of all CTE concentrators who exited, and not only those who graduated. Section 113(b)(2)(A)(iii) of Perkins V requires States to report on the outcomes of CTE concentrators in the second quarter after they exited from secondary education. However, we recognize the difficulties with measuring the post-program placement indicator (3S1) by relying on student surveys, including locating students after they have exited or graduated from secondary school. For that reason, the numerator and denominator specifications we are proposing for 3S1 and 1P1 would make the reporting period the preceding reporting year so that States have additional time to use administrative records like unemployment insurance wage records, State public postsecondary enrollment data, or other administrative sources of data to help report on the outcomes of those who exited from secondary school.

Changes: None.

- 45. Several commenters objected to the inclusion of all CTE concentrators who exited secondary education in the data specification for the secondary post-program placement indicator (3S1). One of these commenters explained that they were opposed to this because it would not provide “actionable information since non-completers are not qualified for the corresponding careers. Doing so would take away our focus on improving instruction, completion, and placement for our current students.”**

Response: The statutory description of the post-placement indicator does not exclude CTE concentrators who did not graduate high school. The information about the education and employment status of all CTE concentrators is actionable and useful because this information can be used by States to improve student graduation rates and other related outcome measures required by the statute.

Changes: None.

- 46. One commenter expressed concern that providing an additional year for States to report on post-program outcomes, like postsecondary enrollment and employment, “may actually reduce the utility of the data garnered from this performance measure as it will be even less timely than currently structured, making data less useful for real-time program or policy refinement.” Two commenters shared similar concerns and stated that “requiring a lag for every state is detrimental to the goal of using data for program improvement.”**

Response: The Department has noted that the reason it is proposing to add a “lag” year to State reporting on post-program outcomes for 3S1 and 1P1,³ as the Departments of Education and Labor now do with reporting on post-program outcomes for the core programs under the Workforce Innovation and Opportunity Act (WIOA), is to give States sufficient time to access administrative data like quarterly unemployment insurance (UI) wage records, which may be more accurate than relying on student surveys, which often have low response rates.⁴ These two indicators measure the employment and education outcomes of CTE concentrators in the second quarter after exiting secondary education or, in the case of postsecondary CTE concentrators, in the second quarter after program completion. For CTE concentrators who exit high school or complete a postsecondary program in June of the reporting year, December 31 represents the end of the second quarter after exit or completion. The deadline for States to report data to the Department is January 31 of the following year under our current information collections. However, UI wage records “for a given calendar quarter are generally not available for about six months (two quarters) after submission” by an employer to the State.⁵ Our hope is that giving States a year to report on 3S1 and 1P1 will result in higher-quality, accurate, and complete data on the outcomes of CTE concentrators.

As to the first commenter’s concern about the lag year in reporting “making data less useful for real-time program or policy refinement” and the other commenters’ concern about using the data for “program improvement,” we note that we are proposing to add a year to when States must report the data to the Department. States may begin using the data “for real-time program or policy refinement” and “program improvement” as soon as they obtain them. We also note that States may feel more confident in making program or policy refinements in response to post-program outcome data if they have greater confidence in the completeness and accuracy of these data.

Changes: None.

47. **Several commenters expressed concern that the proposed data specifications would require “tracking the placement of all concentrators and completers, regardless of whether we have successfully contacted them.” The commenter expressed concern that this would “significantly distort the perception of the effectiveness of CTE programs.”**

³ Section 113(b)(2)(A)(iii) of Perkins V establishes, as a core indicator of performance for secondary programs, “the percentage of CTE concentrators who, in the second quarter after exiting from secondary education, are in postsecondary education or advanced training, military service or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are employed.” Section 113(b)(2)(B)(i) of Perkins V establishes as a core indicator of performance for postsecondary programs “the percentage of CTE concentrators who, during the second quarter after program completion, remain enrolled in postsecondary education, are in advanced training, military service, or a service program that receives assistance under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), are volunteers as described in section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), or are placed or retained in employment.”

⁴ Office of Information and Regulatory Affairs, Office of Management and Budget. 2016. Questions and Answers When Designing Surveys for Information Collections. Retrieved from:

https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/pmc_survey_guidance_2006.pdf.

⁵ Czajka, J.L., et al. (2018) *Data on Earnings: A Review of Resources for Research*, Mathematica Policy Research. Retrieved from: <https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/Data-on-Earnings-Report.pdf>.

Response: To address concerns about the difficulties of locating former students, we are proposing to provide an additional year for States to obtain information about the education and employment status of CTE concentrators so that States need not rely entirely on student surveys and can instead access administrative records like unemployment insurance wage records. The Department intends to provide technical assistance to States on ways to utilize administrative data for reporting on the post-placement indicators so that State reporting on education and employment outcomes can be as complete as possible, such as potentially using the State Wage Interchange System.

Changes: None.

48. **One commenter objected to the proposed data specifications for the post-placement indicators (3S1 and 1P1) because “some of the proposed Core Performance Indicator timeframes are not feasible . . . due to the complexity of interagency data sharing and need for data validation.”**

Response: We understand the commenter’s concerns about the difficulties in accessing administrative records in some States. We intend for the additional “lag” year, as we propose, for reporting, as well as the technical assistance we intend to provide States, to make it easier for States to access administrative records.

Changes: None.

Non-Traditional Program Concentration (4S1 and 3P1) (pages 35 and 38)

49. **Two commenters objected to the proposed data specifications for student concentration in CTE programs that are nontraditional for their gender at the secondary and postsecondary levels, stating that they attempt “to impose an interpretation beyond what is evident in the statutory language approved by Congress, without going through proper regulatory channels.” Two additional commenters stated that the proposed data specifications were in conflict with the intent of Congress and a “plain reading of the statute.”**

Response: The Department believes that the proposed data specifications for student concentration in CTE programs that are nontraditional for a student’s gender at the secondary and postsecondary levels (4S1 and 3P1, respectively) reflect a plain reading of the statute, giving meaning to both the statutory text in Sections 113(b)(2)(A)(v) and 113(b)(2)(B)(iii) of Perkins V of the core indicators of performance for the percentage of secondary and postsecondary CTE concentrator in CTE programs and programs of study that lead to non-traditional fields, and the definition of “non-traditional field” in section 3(33) of Perkins V. In addition, based on the Department’s review of State CAR submissions from program years 2021-2022 and 2022-2023, our proposed data specifications are consistent with how 42 States measure 4S1 and how 45 States measure 3P1. Therefore, most States reviewed the statutory descriptions of these indicators and concluded that they should be measured in the manner outlined in the proposed data specifications for 4S1 and 3P1.

Changes: None.

50. **One commenter stated that 3P1 was “difficult to meet due to current parameters within its definition.”**

Response: The Department notes that 42 States are already measuring 4S1 and 45 States are already measuring 3P1 as we have outlined in the proposed data specifications for 4S1 and 3P1. The Department intends to provide technical assistance for States that have difficulty implementing the proposed numerator and denominator for this indicator and any other indicators.

Changes: None.

51. **One commenter recommended limiting the denominators in the proposed data specifications for student concentration in CTE programs that are nontraditional for their gender at the secondary and postsecondary levels (3P1 and 4S1) to male and female CTE concentrators, excluding concentrators whose gender is unknown, unreported, or “categorized as a gender outside of male and female.” The commenter noted that students whose gender is unknown or neither male or female could not be included in the numerator because they are not a “gender that comprises less than 25 percent of the individuals employed in the occupation or field of work for which the CTE program prepares students.” Alternatively, the commenter suggested that the Department provide guidance on how students whose gender is not known or neither female or male can be included in the numerator.**

Response: While a few States have informed the Department that their collection of data on the gender of CTE concentrators is not binary and that they have added one or more gender categories for individuals who do not identify as male or female, the Department’s past information collections, e.g., State Plan Guide and CAR ICR, only request data on CTE concentrators who identify as male and female, and the Department has not proposed changing this portion of the collections. However, States may always provide additional information at their discretion.

Changes: None.

52. **Two commenters questioned why the Department’s proposed data specifications for the two performance indicators on non-traditional education and employment (4S1 and 3P1) use an active cohort when the Department’s proposed data specifications for the other secondary performance indicators use an exit cohort. The commenter wondered why the Department’s concern that an active cohort could result in a duplicative data did not apply to the non-traditional performance indicators.**

Response: The two core indicators of performance on non-traditional education and employment (4S1 and 3P1) are the only indicators that do not measure CTE concentrator outcomes, measuring instead CTE concentrator participation in certain CTE programs and programs of study. The proposed data specifications for 4S1 and 3P1 are consistent with how the Department has historically collected data on participation and concentration in CTE programs and programs of study, which has been to request that States annually provide an unduplicated count of students who participated in and concentrated their studies in CTE during the prior program year. Unlike the academic proficiency indicators, which are intended to measure CTE concentrator proficiency on one-time assessments, the non-traditional education and employment indicators capture students’ annual status as a concentrator studying in a non-traditional field, noting that a student’s status may change in different years in which they are a CTE concentrator.

Changes: None.

Secondary Program Quality Indicators (5S1, 5S2, and 5S3) (pages 35 and 36)

53. **One commenter objected to the Department’s requirement that each State adopt at least one secondary program quality indicator and expressed concern that it would discourage States from adopting multiple ones.**

Response: Section 113(b)(2)(A)(iv)(I) of Perkins V requires each State to select at least one secondary program quality indicator for which it will be accountable.

Changes: None.

54. **Two commenters stated that the proposed data specifications for the secondary quality indicators would “create new disincentives for states to be innovative in their approach to leveraging the law’s program quality indicators” and reduce the number of quality indicators that they report on.**

Response: The proposed data specifications for the secondary program quality indicators are directly from section 113(b)(2)(A)(iv) of Perkins V. For example, the statutory description of the work-based learning indicator is “the percentage of CTE concentrators graduating from high school having participated in work-based learning.” The proposed data specification for the numerator is “the number of CTE concentrators graduating from high school in the reporting year having participated in work-based learning.” The proposed data specification for the denominator is “the number of CTE concentrators who graduated from high school in the reporting year.” The proposed specifications’ reliance on the text of the law still preserves for States considerable flexibility for innovation. For example, States may determine the kinds of work-based learning that are counted by the State and any quality criteria that a work-based learning opportunity must meet to be counted, as well as the number of hours of work-based learning a CTE concentrator must complete to be included in the numerator. Section 113(b)(2)(A)(iv)(I) of Perkins V also gives States the opportunity to develop their own innovative, additional secondary program quality indicators of student success in CTE provided they are “statewide, valid, and reliable, and comparable across the State.”

Changes: None.

Participation in Work-Based Learning (5S3) (page 36)

55. **A commenter expressed concern that the data specifications for the numerator of the secondary program quality indicator on work-based learning (5S3) measures the participation in work-based learning of CTE concentrators “graduating from high school in the reporting year,” while the data specifications for the numerator of the post-program placement (3S1) measures the outcomes of CTE concentrators who “exited” secondary education. The commenter did not understand why they used different terms.**

Response: The source of the difference is statutory. Section 113(b)(2)(A)(iv)(I)(cc) of Perkins V requires that States selecting 5S3 as their program quality indicator report on “the percentage of CTE concentrators graduating from high school having participated in work-based learning.” Section 113(b)(2)(A)(iii), on the other hand, requires States to report on the outcomes of CTE concentrators in the second quarter after they exited from secondary education.

Changes: None.

56. A commenter questioned whether the proposed data specification for 5S3 counts the participation of CTE concentrators in work-based learning throughout their tenure in high school or participation only during their senior year.

Response: Section 113(b)(2)(A)(iv)(I)(cc) requires States that select participation in work-based learning as a secondary program quality indicator to report the percentage of CTE concentrators graduating from high school having participated in work-based learning. Therefore, States must report any graduating CTE concentrator that participated in work-based learning at any time throughout their tenure in high school. However, States may determine the kinds of work-based learning that are counted by the State and any quality criteria that a work-based learning opportunity must meet to be counted, as well as the number of hours of work-based learning a CTE concentrator must complete to be included in the numerator.

Changes: None.

Post-Program Placement at the Postsecondary Level (1P1) (page 37)

57. Several commenters expressed concern that the proposed data specifications for the numerator for the postsecondary post-program placement indicator (1P1) do not clearly specify that a concentrator must have completed the program during the preceding reporting year to be included and may not be consistently implemented by States. They recommended modifying the proposed specifications to indicate that a concentrator must have completed the program during the preceding reporting year to be included in the numerator. This would make the numerator consistent with the denominator.

Response: We agree that the proposed data specifications for the numerator should specify that a concentrator must have completed the program during the preceding reporting year to be included.

Changes: We have revised the proposed data specifications for the numerator to specify that a concentrator must have completed the program during the preceding reporting year to be included. There is no additional burden, beyond what was previously calculated, with this update.

Earned Recognized Postsecondary Credential (2P1) (page 38)

58. One commenter was concerned the proposed data specifications for 2P1 did not clearly specify how a CTE concentrator “completes a program.” The commenter recommended that we specify that program completion is earning a recognized postsecondary credential. The commenter recommended that the denominator of 2P1 be revised to include CTE concentrators who are enrolled in the reporting year and those who were enrolled in the previous reporting year who earned a credential in the reporting year. The commenter suggested making the numerator CTE concentrators who either received a credential during the current reporting year or who were enrolled in the previous reporting year and earned a credential in the current reporting year.

Response: We agree that the changes proposed by the commenter are appropriate and consistent with the plain meaning of the statutory description of the indicator in section 113(b)(2)(B)(ii). A CTE concentrator completes a program when they have earned a recognized postsecondary credential.

Changes: We have revised the denominator of 2P1 to include CTE concentrators who are enrolled in the reporting year and those who were enrolled in the previous reporting year who earned a credential in the reporting year. We have revised the numerator of 2P1 to include CTE concentrators who either received a credential during the current reporting year or who were enrolled in the previous reporting year and earned a credential in the current reporting year. There is no additional burden, beyond what was previously calculated, with this update.

- 59. Two commenters expressed concern about the inclusion of CTE concentrators enrolled in the reporting year in the denominator of 2P1 and recommended that the Department model the proposed data specifications on those used to calculate the credential attainment indicator in WIOA, which they described as the “inspiration” for 2P1.**

Response: The modifications to the proposed data specifications for 2P1 described above address the commenters’ concerns. We note that the statutory descriptions of the WIOA credential attainment indicator and 2P1 differ in that the WIOA indicator measures attainment during participation and after a participant exits a program, while 2P1 measures attainment during participation and after a CTE concentrator completes a program.

Changes: As discussed above, we have revised the denominator of 2P1 to include CTE concentrators who are enrolled in the reporting year and those who were enrolled in the previous reporting year who earned a credential in the reporting year. We have revised the numerator of 2P1 to include CTE concentrators who either received a credential during the current reporting year or who were enrolled in the previous reporting year and earned a credential in the current reporting year.

- 60. One commenter objected to the data specifications for the postsecondary indicators because the commenter believed they would prevent a State from collecting data on these indicators for a cohort of students, requiring instead a “one-year snapshot.”**

Response: The modifications to the proposed data specifications for 2P1 described above address the commenters’ concerns. We are not aware of anything in the data specifications for the postsecondary indicators of performance that we are proposing, with the modifications to 1P1 and 2P1 described above, that would prevent longitudinal data collection for a cohort of students.

Changes: None.

Burden Estimate

- 61. Many commenters maintained that the Department’s estimates of the burden associated with the changes that would be made in the State Plan Guide (SPG) ICR were too low and should be increased significantly. Some commenters expressed the view that the burden estimate should include the time used by subrecipients to provide States with information they use to respond to the ICR.**

Response: The Department appreciates the commenters’ estimates of the associated burden. The Department’s burden estimate for this ICR includes time for respondents, i.e., States, to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. We recognize that there are additional activities associated with updating a State plan, however, our burden estimates do not include local activities because the State

Plan Guide is the instrument for collecting data from States not subrecipients. The movement of proposed narrative items from the State Plan Guide to the CAR ICR resulted in a reduction in the Department's burden estimate as States will no longer be required to complete steps necessary for amending a State plan.

Changes: The Department reduced the burden estimate included in the proposed State Plan Guide as a result of our proposal to move proposed narrative items from the State Plan Guide to the CAR ICR. As noted previously, the proposed movement of proposed narrative items to the CAR ICR will not require States to amend their currently approved State plans. Additionally, the Department anticipates increasing the estimated burden associated with the CAR ICR to reflect the new proposed narrative items that it intends to add to that data collection.

Other Issues

62. **One commenter pointed out that few States have taken the opportunity to submit their Perkins V State Plan as a component of a WIOA Unified or Combined State Plan (four States submitted such plans in 2024). While the commenter noted that the Department published a Dear Colleague letter that encouraged all States to pursue this opportunity, the commenter encouraged the Department to consult with State leaders to learn more about any potential challenges or capacity constraints that may affect the ability of States to take advantage of this opportunity and to work with the U.S. Department of Labor to develop supportive resources to mitigate them.**

Response: We agree with the commenter that WIOA Unified and Combined State Plans offer an important and valuable opportunity for a State to coordinate its implementation of Perkins V with its implementation of the core programs authorized by WIOA, as well as other federal education and workforce development programs, like the Supplemental Nutrition Assistance Program Employment and Training program. We will consult with States to learn more about the challenges that may be preventing them from taking advantage of this opportunity and how the Departments of Education and Labor might be helpful in mitigating these challenges.

Changes: None.