

# SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

## A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a hard copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information, or you may provide a valid URL link or paste the applicable section. Please limit pasted text to no longer than 3 pages. Specify the review type of the collection (new, revision, extension, reinstatement with change, reinstatement without change). If revised, briefly specify the changes. If a rulemaking is involved, make note of the sections or changed sections, if applicable.**

This is a request to revise the information collection used by the U.S. Department of Education to gather State plans from eligible agencies under the Carl D. Perkins Career and Technical Education Act, as amended by the Strengthening Career and Technical Education Act for the 21st Century Act (Public Law 115-224) (Perkins V or the Act). State plans consist of narrative information, budgets, and performance levels pursuant to the Act and applicable Federal regulations pursuant to the Uniform Guidance (2 CFR 200) and Education Department General Administrative Regulations (2 CFR 76). Eligible agencies are the State boards, or sole State agencies, responsible for career and technical education in the 50 States, the District of Columbia, Puerto Rico, and the outlying areas of the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas Islands, and the Republic of Palau.<sup>1</sup>

Perkins V authorizes appropriations from Fiscal Year (FY) 2019 through FY 2024. Section 122(a) of Perkins V requires each eligible agency desiring assistance for any fiscal year under the Act to prepare and submit to the Secretary a State plan for a 4-year period, together with such annual revisions as the Act specifies or the eligible agency deems necessary. Eligible agencies may submit a 4-year State plan or, for FY 2019 only, a one-year transition plan followed by a 4-year plan. An eligible agency also may submit its State plan as part of a Combined State Plan under the Workforce Innovation and Opportunities Act of 2014 (WIOA).

Following submission of their 4-year State plan, the legislation and applicable Federal regulations require eligible agencies to submit annual State plan revisions, if any, budgets for the upcoming program year, and performance level revisions prior to the third

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<sup>1</sup> Under the prior Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) legislation, American Samoa and the Northern Marianas Islands did not use Perkins funds for career and technical education as part of their consolidated grant awards under 34 CFR 76.125 through 76.137. Beginning in 2018, Guam incorporated Perkins into a consolidated grant award, but did not allocate Perkins funds for career and technical education. Accordingly, these entities are not included in the burden hour estimates in Item 12 of this statement.

program year covered by the State plan. An eligible agency may also submit performance level revisions at the end of a program year if unanticipated circumstances arise in a State or changes occur related to improvement in data or measurement approaches pursuant to section 113(b)(3)(A)(iii) of the Act.

Section 123(a)(3)(A)(iii) of Perkins V authorizes the Secretary, after notice and opportunity for a hearing, to withhold from a State all or a portion of its allotment if it fails to implement an improvement plan pursuant to section 123(a) of the Act or fails to meet at least 90 percent of a State-determined level of performance for the same core indicator for 2 consecutive years after the eligible agency has been identified for improvement on that indicator. In lieu of withholding funds and consistent with the Department's actions under the prior Perkins IV legislation, the Secretary intends to impose grant award conditions that require States to report periodically on their progress in implementing the improvement plans required by section 123(a)(1). This collection includes these periodic reports.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Pursuant to section 122(f), the Department uses the information contained in each eligible agency's State plan and annual revisions to determine whether the eligible agency has met the requirements of the Act, including submitting State-determined levels of performance that meet the criteria established in section 113(b)(3) and section 113(b)(3)(A)(i)(III). The Department also uses the information to determine areas in need of technical assistance in States, and to provide information on State's Perkins V initiatives, funding, and performance levels to Congress, interested stakeholders, and the public.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision of adopting this means of collection. Also describe any consideration given to using technology to reduce burden.**

The Department will require eligible agencies to submit their State plans and annual revisions electronically via the Perkins V State Plan Portal at <https://perkins.ed.gov/pims>. Hard copy submissions will not be accepted as the Department has met the requirement of 2 CFR 76.720(b)(3) for the transition from hard copy to electronic submission of State plans and revisions under the prior Perkins IV legislation.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This is a unique collection; there are no similar data collections which seek this information.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction, which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.**

The collection does not impact small businesses or other small entities.

- 6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Pursuant to section 122(a)(1) of Perkins V, each eligible agency must submit State plan and annual revisions for any fiscal year in which they seek assistance under the Act.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The collection does not anticipate any such special circumstances.

8. **As applicable, state that the Department has published the 60 and 30 Federal Register notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

**Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

The Department published the 60 day notice on October 24, 2018 (83 FR 53623). We received 27 unique sets of comments. A summary of the comments and how we have addressed them by revising the ICR and the cost and hour burden appears at the end of this supporting statement as Appendix A.

9. **Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees with meaningful justification.**

There will be no payments or gifts to respondents of this information collection.

10. **Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If personally identifiable information (PII) is being collected, a Privacy Act statement should be included on the instrument. Please provide a citation for the Systems of Record Notice and the date a Privacy Impact Assessment was completed as indicated on the IC Data Form. A confidentiality statement with a legal citation that authorizes the pledge of confidentiality should be provided. Requests for this information are in accordance with the following ED and OMB policies: Privacy Act of 1974, OMB Circular A-108 – Privacy Act Implementation – Guidelines and Responsibilities, OMB Circular A-130 Appendix I – Federal Agency Responsibilities for Maintaining Records About Individuals, OMB M-03-22 – OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002, OMB M-06-15 – Safeguarding Personally Identifiable Information, OM:6-104 – Privacy Act of 1974 (Collection, Use and Protection of Personally Identifiable Information). If the collection is subject to the Privacy Act, the Privacy Act statement is deemed sufficient with respect to confidentiality. If there is no expectation of confidentiality, simply state that the Department makes no pledge about the confidentiality of the data.**

The Department makes no pledge about the confidentiality of the data provided by respondents of this information collection.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. The justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no questions of a sensitive nature contained in this information collection.

- 12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents by affected public type (federal government, individuals or households, private sector – businesses or other for-profit, private sector – not-for-profit institutions, farms, state, local or tribal governments), frequency of response, annual hour burden, and an explanation of how the burden was estimated, including identification of burden type: recordkeeping, reporting or third party disclosure. All narrative should be included in item 12. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in the ROCIS IC Burden Analysis Table. (The table should at minimum include Respondent types, IC activity, Respondent and Responses, Hours/Response, and Total Hours)**
- **Provide estimates of annualized cost to respondents of the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

To determine the estimated burden hours associated with this collection, the Department consulted the state employees who will be responsible for State plan development at nine eligible agencies. The Department then adjusted its first estimated burden hours based on public comments from the 60 day comment period.

The Department estimates that responses to this information collection will be received from 54 eligible agencies each year. See footnote 1. As indicated in the table below, the number of burden hours per response will vary over the first three years of this

information collection as eligible agencies transition to the new requirements of Perkins V. For the first year, FY 2019, it is expected that each eligible agency will submit a one-year State plan (transition plan) and will be expected to complete only a minimal set of required items in the information collection. During this year, however, additional burden hours will result from the legislative requirements for planning and coordination even as the eligible agency develops and submits a transition plan. For the second year, FY 2020, it is expected that each eligible agency will expend considerably more time in the development and approval of their full 4-year State plans and they will be required to complete each item in the information collection. For the third year, FY 2021, it is expected that each eligible agency will expend fewer hours reviewing and revising, as necessary, its State plan and submitting its annual budget.

The number of burden hours for eligible agencies to respond to this information collection has increased modestly from the prior Perkins IV legislation. This is because Perkins V, the new law, requires eligible agencies to engage in more extensive consultation activities during the development of their State plan than the predecessor statute.

Year	Estimated Number of Responses	Type of Staff	Estimated Number of Burden Hours Per Response	Total Estimated Number of Burden Hours
2019	54	Professional	37	1,998
2020	54	Professional	148	7,992
2021	54	Professional	18	972
TOTAL	162		203	10,962
3-Year Average	54		68	3,654

We estimate the total cost per hour of the professional staff who will carry out this work to be \$59.23 per hour, the mean hourly compensation cost for State and local government workers who were in management, professional, and related occupations in June 2018.<sup>2</sup> As indicated in the table below, the total annualized cost to respondents will vary for the first three (3) years of this information collection due to the factors described in Item 12 of this supporting statement.

Year	Type of Staff	Total Estimated Number of Burden Hours	Estimated Hourly Cost	Total Costs (Rounded to the Nearest .10)
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<sup>2</sup> Bureau of Labor Statistics, U.S. Department of Labor, Employer Costs for Employee Compensation Historical Listing, National Compensation Survey, retrieved from <https://www.bls.gov/web/ecec/ececqrtn.pdf>

2017	Professional	1,998	\$59.23	\$118,341.54
2018	Professional	7,992	\$59.23	\$473,366.16
2019	Professional	972	\$59.23	\$ 57,571.56
TOTAL		10,962		\$649,279.26
3-Year Average		3.654	\$59.23	\$216,426.42

**13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)**

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and acquiring and maintaining record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices. Also, these estimates should not include the hourly costs (i.e., the monetization of the hours) captured above in Item 12.**

**Total Annualized Capital/Startup Cost: \$0**

**Total Annual Costs (O&M): \$0**

**Total Annualized Costs Requested: \$0**

The total for the capital and start-up cost components for this information collection is zero. The information collection will not require the purchase of any capital equipment nor create any start-up costs. Computers and software used to complete this information collection are part of the respondents' customary and usual business or private practices, and therefore is not included in this estimate. The total operation and maintenance and

purchase of service components for this collection is zero. The information collection will not create costs associated with generating, maintaining, and disclosing or providing the information that is not already identified in Item 12 of this supporting statement.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.**

As indicated in the table below, the estimated annualized cost to the Federal government is \$24,001.60. This includes salaries of program staff who develop the State plan guide, revise the State plan submission portal, provide annual training technical assistance to eligible agencies regarding the submission of information, and review and approve State plans, revisions, and annual budgets.

Year	Number of Employees	Employee Grade	Estimated Number of Hours Per Employee	Total Number of Estimated Hours	Estimated Hourly Cost	Total Annualized Costs (Rounded to the Nearest .10)
2019	1	GS-11	8	8	\$36.95	\$295.60
	5	GS-13	102	510	\$52.66	\$26,856.60
	3	GS-14	102	306	\$62.23	\$19,042.40
	1	GS-15	60	60	\$73.20	\$4,392.00
					TOTAL	\$50,586.00
2020	1	GS-11	8	8	\$36.95	\$295.60
	5	GS-13	189	945	\$52.66	\$49,763.70
	3	GS-14	189	567	\$62.23	\$35,284.41
	1	GS-15	10	10	\$73.20	\$732.00
					TOTAL	\$86,075.70
2021	1	GS-11	8	8	\$36.95	\$295.60
	5	GS-13	81	405	\$52.66	\$21,327.30
	3	GS-14	81	243	\$62.23	\$15,121.90
	1	GS-15	10	10	\$73.20	\$732.00
					TOTAL	\$37,476.80

**15. Explain the reasons for any program changes or adjustments. Generally, adjustments in burden result from re-estimating burden and/or from economic phenomenon outside of an agency’s control (e.g., correcting a burden estimate or an organic increase in the size of the reporting universe). Program changes result from a deliberate action that materially changes a collection of information and generally are result of new statute or an agency action (e.g., changing a form, revising regulations, redefining the respondent universe, etc.). Burden changes should be disaggregated by type of change (i.e., adjustment, program change due to new**



**statute, and/or program change due to agency discretion), type of collection (new, revision, extension, reinstatement with change, reinstatement without change) and include totals for changes in burden hours, responses and costs (if applicable).**

There are adjustments to the annual burden inventory for this collection of data as a result of the enactment of the Perkins V Act and implementation of the new legislative provisions and requirements.

- 16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

The Department plans to publish each full State plan shortly following its approval during fall 2020. The plans will be integrated with other State information that now appears on the Department's website at <https://cte.ed.gov/profiles/national-summary>

- 17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

We are not seeking this approval.

- 18. Explain each exception to the certification statement identified in the Certification of Paperwork Reduction Act.**

There are no exceptions to the certification statement identified in the Certification of Paperwork Reduction Act.

## Appendix A

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

#### Responses to Public Comments on the Perkins V State Plan Guide Received During the 60-Day Public Comment Period

Twenty-seven (27) sets of public comments were received on the U. S. Department of Education's (Department's) Perkins V State Plan Guide during the sixty (60) day period from October 23 – December 24, 2018. The Department's responses to those comments, as provided below, are organized by the Table of Contents for the guide.

#### OVERARCHING

Several commenters advocated for the inclusion of career and technical education (CTE) at the middle school level and the development of comprehensive CTE pathways from middle level through secondary and post-secondary education.

Department's Response: While we appreciate the commenters' input, no changes have been made. While the Perkins V statute indicates that grant funds may be used at the middle school level and for the development of comprehensive CTE pathways, the statute is clear that it remains a local decision on whether to use funds for these purposes.

One commenter indicated that, throughout the document, "career and technical education programs" and "programs of study" are most often connected with the word "and," but occasionally with the word "or." This commenter recommended that only "and" be used between these terms throughout the guide.

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally used only verbatim language from the Perkins V statute, including references to "and" and "or" as they appear in the statute, in this case Section 122(d)(4) of Perkins V. That said, an eligible agency has full authority and flexibility to address both CTE programs and programs of study as they develop and implement their Perkins V State plan.

One commenter recommended that the Department "align Perkins V sub-population indicators with ESSA."

Department's Response: While we appreciate this commenter's input, no changes have been made. The Perkins V statute and, accordingly, the guide, already require alignment with the Every Student Succeeds Act, as amended (ESSA) subpopulation indicators. For example, Item 3.a.iii in Section II.B: Narrative Descriptions for Program Administration and Implementation requires an eligible agency to describe how individuals who are members of special populations will be provided with programs designed to enable these individuals to meet or exceed State determined levels of performance described in section

113 of Perkins V, and Item 1 in Section V.A: State Determined Performance Levels requires an eligible agency to provide State determined performance levels that require the State to continually make meaningful progress toward improving the performance of all career and technical education students, including the subgroups of students described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965.

One commenter suggested that the Department amend the guide to call out “Integrated Education and Training (IET)” and “Integrated English Language and Civics Education (IELCE)” authorized by Title II of WIOA as options that could be carried out by eligible recipients under Perkins V.

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally included only verbatim language from the Perkins V statute, which does not specifically reference IET or IELCE. That said, an eligible agency has full authority and flexibility to include these programs in the development and implementation of its Perkins V State plan, as appropriate.

Finally, although not submitted as a public comment, we noted that Congress clarified the provision in section 123(a)(5) of Perkins V that an eligible agency may adjust State determined performance levels that are not subject to a program improvement plan pursuant to section 123(a) of Perkins V. See: <https://www.congress.gov/congressional-report/115th-congress/senate-report/434/1>. We made corresponding changes to Item 3.iii in Section V.A: Instructions for State Determined Performance Levels.

## **LETTER FROM ASSISTANT SECRETARY SCOTT STUMP**

One commenter recommended that the phrasing “in-demand, high-growth, and high-wage” be revised to “high-wage, high-skill, and in-demand career fields” as worded under statute.

Department’s Response: We agree with the commenter and have made this change to the Assistant Secretary’s letter.

One commenter indicated that “STEM” should be removed from the key provision, “Strengthening the CTE teacher and faculty pipeline, especially in hard-to- fill program areas, including STEM.” This commenter noted that a 2017 survey of State CTE Directors found that STEM comes in fourth, in terms of fields with the most severe shortages.

Department’s Response: We agree with the commenter and have made this change to the Assistant Secretary’s letter.

One commenter indicated support for the Assistant Secretary’s letter, particularly his encouragement for States to think anew about the secondary/postsecondary spilt in Perkins funding.

Department's Response: We appreciate the commenter's support and have retained this question in the Assistant Secretary's letter.

One commenter recommended that the Assistant Secretary's letter emphasize the need to improve equity in CTE by increasing access and success of students that have historically lacked access to high-quality CTE programs, particularly special populations. They suggested adding as a bullet under the key provisions in the new law: "Revising and expanding the list of qualifying special populations and requiring states to set-aside funds to recruit and serve these students in CTE programs." They also suggested adding question prompting States to consider what support services and professional develop they will provide to CTE educators to ensure all students have access to high quality CTE programs.

Another commenter suggested amending the opening letter's summary of the new law to include the following: "."

Department's Response: We appreciate the commenters' input and have made corresponding changes to the Assistant Secretary's letter consistent with statutory text.

One commenter suggested adding as an additional question for States asking them to consider how they will use the new set-aside funding and expand the recruitment of students qualifying under one or more categories of special populations to ensure they receive high quality CTE programs.

Department's Response: We appreciate the commenter's input and have made corresponding changes to the Assistant Secretary's letter.

## **INSTRUCTIONS AND SUBMISSION REQUIREMENTS**

One commenter sought clarification as to whether the Secretary would add Perkins State plan requirements via the program memoranda issued annually.

Department's Response: We have clarified the wording under the Timeline for the Issuance of Perkins Grant Awards to make it clear that all requirements are contained in the State Plan Guide.

One commenter indicated that Table 3 does not include an exact date by which eligible agencies are required to submit Perkins V plans for upcoming years.

Department's Response: While we appreciate the commenter's concern, no changes have been made. Submission dates for a given program year will vary depending on the specific items to be prepared by the eligible agency and the amount of time needed for review and approval by the Department. Accordingly, we will issue submission due dates, along with reminders about specific items required, via program memorandum each year. At all times, we will provide eligible agencies with the maximum days allowable and practicable to prepare and complete their submissions.

One commenter indicated that the date by which plans will be approved, June 30, should be specified in Table 3 so that CTE leaders know when to expect approval.

Department's Response: We agree with the commenter and have made this change to Table 3: Timeline for the Issuance of Perkins V Grant Awards in the Instructions and Submission Requirements.

One commenter recommended that the Department publish Perkins V State Plans “in whole,” rather than “in part,” on its Web site or through other means available.

Department's Response: We agree with the commenter and have made this change to the Publication Information in the Instructions and Submission Requirements.

One commenter noted that the Fiscal Year 2024 column on the timelines for submitting 1-Year Transition Plans and Perkins V State Plans should be corrected to read “July 1, 2024 - June 30, 2025.”

Department's Response: We agree with the commenter and have corrected the timelines in Tables 5 and 6 in the Instructions and Submission Requirements.

## **I. COVER PAGE**

Several commenters indicated support for the option to include “postsecondary CTE only” as part of a WIOA Combined State Plan. They noted that this option would foster greater collaboration between adult education and postsecondary CTE programs, support the inclusion of Integrated Education and Training (IET) models, and promote postsecondary enrollment.

However, another commenter recommended removing the option to include “postsecondary CTE only” as part of a WIOA Combined State Plan. They noted that this option is not authorized in statute and would not be beneficial for fostering the necessary alignment across secondary and postsecondary education required for highly quality CTE programs of study. Moreover, they noted that it would not be possible to disentangle the secondary versus postsecondary aspects of a Perkins V State plan.

Finally, several commenters indicated that the structure of Item I.G implied that a State was required to submit a WIOA Combined State Plan. They recommended that we add a checkbox for “Perkins Single Plan.”

Department's Response: After review of the statutory language in Perkins V and the Workforce Innovation and Opportunities Act (WIOA), we have eliminated the option for an eligible agency to include “postsecondary CTE only” as part of a WIOA Combined State Plan. Specifically, section 103(a)(2) of WIOA authorizes a State to develop and submit a Combined State Plan for the core WIOA programs and one or more other programs, including “Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act.” Accordingly, we have revised Item G and added Item H to Section I: Cover Page, requiring an eligible agency to indicate

whether they are submitting their entire Perkins V State Plan as part of a Workforce Innovation and Opportunity Act (WIOA) Combined State Plan in FY 2019 (Item G) and/or in subsequent years (Item H), respectively.

One commenter noted that the opportunity for the Governor to sign off on the transition plan was not the intent of Congress. They recommended this requirement be removed for the transition year.

Another commenter recommended that the phrasing of Item I: “Governor’s Joint Approval” of the Perkins V State Plan be revised to “Governor’s Signatory Authority” of the Perkins V State Plan, as required under statute.

Department’s Response: We agree with the commenters and note that the recently released Senate Report 115-434 confirms that Congress did not intend Governors to sign State transition plans. See: <https://www.congress.gov/congressional-report/115th-congress/senate-report/434/1>. We have made the corresponding changes to redesignated Item I: Joint Signatory Authority to Section I: Cover Page.

## **II.A: NARRATIVE DESCRIPTIONS – PLAN DEVELOPMENT AND CONSULTATION**

One commenter indicated that there should be a reference to “ensuring equitable secondary and post-secondary CTE representation/guidance from the field for Perkins V State Plan development.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally used only statutory requirements from the Perkins V statute, which do not specifically include such equitable representation, though Section 122(c)(1)(A) does require consultation with representatives of both secondary and postsecondary CTE programs, among others.. Each eligible agency has full discretion and authority to determine the composition and balance of secondary and postsecondary stakeholders in the State plan development and consultation process, consistent with the statutory provisions.

One commenter expressed concern about the limited time available to update their State’s definition of programs of study, hold engagement meetings, and draft a proper description of programs of study that will be supported during the transition year.

Department’s Response: While we appreciate the commenter’s input, no changes have been made to the guide. While we understand that eligible agencies will need time to fully engage their stakeholders in the consultation and public comment process regarding CTE programs and programs of study, we believe that the provision of CTE programs is the fundamental purpose of the Perkins statute. Accordingly, we believe it is necessary and reasonable for each eligible agency to describe the CTE programs and programs of study that will be offered to students during the transition year.

One commenter recommended that we add, following Text Box 1, a checklist of the entities

required for State plan consultation.

Department's Response: While we appreciate the commenter's request, no changes have been made. We do not believe it is possible or practicable to develop a checklist of stakeholders that would be relevant and useful for every State's organizational structure and context. We believe the general listing in Text Box 1: "Requirements for State Plan Consultation in Section II.A: Narrative Descriptions for Plan Development and Consultation," is sufficient.

One commenter recommended that we require States to submit "a list of organizations, their consultation category, and the method of consultation" to ensure that these groups have had adequate voice in the development of the State plan.

Department's Response: While we appreciate the commenter's suggestion, no changes have been made the guide. In this section and throughout the guide, we have generally used only statutory requirements, which do not include this submission requirement. That said, each eligible agency is responsible for retaining official records pertaining to its Perkins V grant, including documentation from its public comment period, and making these records available for review during Federal and State audits and monitoring visits.

One commenter recommended that we specify that the representative from the State agency responsible for adult education who must be consulted in the State plan development process be an individual with thorough knowledge and direct oversight of adult education activities and that this person is a unique individual representing only adult education.

Department's Response: We appreciate this commenter's input, but no changes have been made. In this section and throughout the guide, we have generally used only statutory requirements, which do not include this specification. That said, each eligible agency has full discretion and authority to identify the background and expertise of the stakeholders, including the adult education stakeholders, with whom to consult in the State development process, consistent with statutory requirements.

## **II.B: NARRATIVE DESCRIPTIONS – PROGRAM ADMINISTRATION AND IMPLEMENTATION**

One commenter recommended that we require each eligible agency to describe how the State's vision for education and student learning under Perkins aligns with the goals and priorities identified within the State's ESEA State plan.

Department's Response: While we appreciate the commenter's input, no changes have been made. We believe the Perkins V State plan requirement to "describe the State's strategy for joint planning, alignment, coordination, and leveraging of funds between the State's CTE programs and other Federal programs, including the Elementary and Secondary Education Act of 1965 (ESEA)" in Item 1.c in Section II.B: Narrative Descriptions for Program Administration and Implementation, sufficiently addresses this commenter's interest.

Several commenters recommended that a text box be added containing the new comprehensive local needs assessment requirement from section 134(c) of Perkins V.

Department's Response: We agree with the commenter and have added Text Box 3: Requirements for Comprehensive Local Needs Assessment in Section II.B: Narrative Descriptions for Program Administration and Implementation.

One commenter recommended that the Department require a State to submit its “definition of ‘size, scope and quality’” for CTE programs because local recipients are still expected to meet this State’s requirement during the transition year.

Department's Response: We agree with the commenter and have included a requirement for an eligible agency to submit its definition of “size, scope, and quality” in its transition plan. Accordingly, we have revised Table 1: Checklist of Items Required in Perkins V State Plans in FY 2019 in the Introduction and Submission Requirements.

One commenter noted that the term “career pathways” is often used as a general term with many different meanings depending on the context. The commenter indicated that, now that Perkins V has adopted the statutory definition under WIOA, it is important that OCTAE and the CTE community use the term as Congress intended. They recommended that a text box with the statutory definition be added to the guide.

Department's Response: We appreciate the commenter’s input and have added Text Box 2: Definition of Career Pathway.

One commenter noted that 2.c.1 of the guide reads in part: “Career pathways (including career exploration, work-based learning opportunities, early college high schools, and dual or concurrent enrollment program opportunities)...” The commenter indicated that this language implies that the Department would consider career exploration or work-based learning opportunities, on their own, to be career pathways. They recommended that the examples in parentheses be deleted.

Department's Response: While we appreciate the commenter’s input, no changes have been made. The language identified by the commenter is verbatim from section 122(d)(4)(c)(i) of Perkins V.

Several commenters indicated that States, given their unique contexts, should have the flexibility to develop and implement policies and procedures for local recipients to use in carrying out their local needs assessments. They recommended that we allow eligible agencies to provide “guidelines” in lieu of, or in addition to, a copy of their local needs assessment template.

Department's Response: We agree with the commenters and have made this change to Item 2.g in the Section II.B: Narrative Descriptions for Program Administration and Implementation. We have also added Text Box 3 in the revised template, which includes the statutory requirements for the local needs assessment under section 134(c) of Perkins V.



One commenter requested that we highlight opportunities in the local needs assessment for eligible recipients to address and improve equity in CTE.

Department's Response: While we appreciate the commenter's suggestion, no changes have been made. We believe the statutory requirement for each local recipient to "describe [their] progress toward implementation of equal access to high-quality CTE courses and programs of study for all students," in section 134(c)(2)(E) of Perkins V sufficiently addresses the commenter's interest.

One commenter indicated that State CTE leaders will not have sufficient time for stakeholder engagement to adequately address all of the items in 3c and 3e for the transition year. Several other commenters indicated that State CTE leaders will not have all of the data needed to adequately address item 3.c.iii in the transition plan, which requires a description of "how individuals who are members of special populations will be provided with programs designed to enable individuals who are members of special population to meet or exceed the State determined levels of performance described in section 113."

Department's Response: We appreciate the commenter's input and have made corresponding changes to Table 1: Checklist of Items Required in Perkins V State Plans Submitted in FY 2019 in the Introduction and Submission Requirements. Specifically, we will now require eligible agencies to respond only to Item 3.c.i (rather than all subparts of Item 3.c), and have eliminated the requirement for Item 3.e for the transition year.

Several commenters recommended that we add the following text at the end of Item II.D: "Describe how the eligible agency will continually make meaningful progress toward improving the performance of all the subgroups described in section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965, and special populations, as described in section 113(b)(2)(A)(i)(III)(bb)" of Perkins V.

Department's Response: While we appreciate the commenters' input, no changes have been made. We believe the Perkins V State plan requirement for the eligible agency to "describe its program strategies for special populations" in Item 3.a in Section II.B: Narrative Descriptions for Program Administration and Implementation sufficiently addresses the commenters' interest. In addition, eligible agencies are required to solicit public comment on State determined performance levels, in particular how those proposed levels support the improvement of performance of all CTE concentrators, including ESEA subgroups and special populations, pursuant to section 113(b)(3)(B) of Perkins V. Eligible agencies must provide their written response to the comments in Item 3 in Section II.D, which also provides an opportunity to address the commenters' interest.

One commenter indicated that the Department should, "support industry partners' participation in advisory committees, curriculum development, and program initiatives."

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally included only

statutory requirements of Perkins V, which do not specifically reference this support for industry partners. That said, section 122(c)(1)(A)(v) of Perkins V requires States to develop their State Plan in consultation with representatives of business and industry. And, an eligible agency has full authority and flexibility to incorporate the active participation of industry partners into the development and implementation of its State plan.

One commenter recommended adding to II.B.1 a text box that identifies the requirements of section 124 of Perkins V.

Department's Response: We appreciate the commenter's input and have added Text Box 2: Required Uses of State Leadership Funds in Section II.B: Narrative Descriptions for Program Administration and Implementation.

One commenter suggested that we amend the guide to direct States to describe how they will use State leadership funds to carry out each of the required uses of funds identified in section 124 of Perkins V.

Department's Response: While we appreciate the commenter's input, no changes have been made. We believe the requirement for eligible agencies to "describe how they will use State leadership funds" in Item 1.d in Section II.B: Narrative Descriptions for Program Administration and Implementation as well as new Text Box 2, which contains the required uses of state leadership funds, sufficiently addresses the commenter's interests.

One commenter suggested changing "its program strategies" to "the state's program strategies" in description II.B.3 because "its" has no clear meaning.

Department's Response: We appreciate the commenter's input and have changed the wording in Item 3.a in Section II.B: Narrative Descriptions for Program Administration and Implementation to "eligible agency's program strategies," which is consistent with the statutory language in Perkins V.

One commenter recommended amending II.C.2.i to indicate that career exploration is for "middle school students" and inserting "including those eligible under special populations" after "available to students."

Department's Response: We believe this comment pertains to item 2.c.i in Section II.B: Narrative Descriptions for Program Administration and Implementation. While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally used only verbatim language from the Perkins V statute, which does not include these references. Moreover, the definition of career and technical education in section 3(5)(d) of Perkins V includes "career exploration at the high school level or as early as the middle grades", therefore, we decline to make any changes in response to this comment.

One commenter asked that we amend II.C.2.iv by striking the word “assisted” and inserting the word “described.”

Department’s Response: We believe this comment pertains to item 2.c.iv in Section II.B: Narrative Descriptions for Program Administration and Implementation. While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally used only verbatim language from the Perkins V statute, which does not use the word “described” in this requirement.

One commenter indicated that II.B.3.a requires a State to “describe its program strategies for special populations” and suggested that we revise this to insert “recruiting and enrolling” before “special populations.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally used only verbatim language from the Perkins V statute, which does not specify “recruiting and enrolling” in this requirement. That said, an eligible agency has full authority and flexibility to describe its efforts to recruit and enroll special populations in its career and technical education programs in its Perkins V State plan.

One commenter recommended that we amend II.B.4.a. to insert, at the end: “including through the use of principles of universal design for learning, multi-tier systems of supports, and positive behavioral interventions and support.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally used only verbatim language from the Perkins V statute, which does not reference these principles in section 122(d)(6). However, an eligible agency has full authority and flexibility to incorporate these principles into the design and delivery of its career and technical education programs and services.

## **II.C: NARRATIVE DESCRIPTIONS – FISCAL ACCOUNTABILITY**

One commenter recommended that we specify for which year the local secondary and postsecondary allocations are to be submitted.

Department’s Response: We appreciate the commenter’s input and have made the corresponding changes to Items 3 and 4 in Section II.C: Narrative Descriptions for Fiscal Accountability, as well as to the text of the State Plan and Revisions in Subsequent Years in the Introduction and Submission Requirements, to clarify that submissions are for the upcoming program year.

One commenter indicated that the Department should add a requirement to “maintain equitable distribution of Perkins funds between secondary and post-secondary.”

Department's Response: While we appreciate the commenter's input, no changes have been made. In this section and throughout the guide, we have generally used only statutory requirements from Perkins V, which do not specify any particular balance of Perkins funds between secondary and postsecondary education.

Several commenters recommended that the Department require States to “describe how they will use their reserve funds to promote high-quality CTE and make these opportunities available for all students.”

Department's Response: We appreciate the commenters' input and have inserted, as Item 8 in Section II.C: Narrative Descriptions for Fiscal Accountability, the requirement for eligible agencies to describe the process and criteria for awarding reserve funds to eligible recipients.

One commenter recommended that we specify the year for which baseline data for fiscal effort calculations be made.

Department's Response: While we appreciate the commenter's request, no changes have been made. We believe that redesignated Item 9 in Section II.C: Narrative Descriptions for Fiscal Accountability is sufficiently clear in requesting that the eligible agency provide fiscal effort for the “preceding fiscal year.”

#### **II.D. NARRATIVE DESCRIPTIONS - ACCOUNTABILITY FOR RESULTS**

One commenter indicated that they were pleased that the Department has utilized the transition period to allow States to better plan and implement the extensive new requirements for data and accountability under Perkins V, and to begin to collect baseline data. This commenter also stated that additional transition authority may need to be exercised.

Department's Response: We appreciate the commenter's support for the transition year before full implementation of Perkins V begins. Section 4 of Perkins V authorizes the Secretary to “give each eligible agency the opportunity to submit a transition plan for the first fiscal year following the date of enactment” of Perkins V, and thus, we do not anticipate a transition plan for a subsequent year. However, the Secretary is also authorized to “take such steps as are necessary to provide for the orderly transition” to Perkins V, and as such, we may take other steps, as necessary, in order to facilitate a smooth transition.

One commenter agreed with the Department's approach to the secondary program quality indicator and the clear delineation of separate performance indicators, rather than a meta-indicator, which, the commenter stated, matches Congressional intent.

Department's Response: We appreciate the commenter's support and have retained this language in Item 1 in Section II.D: Narrative Descriptions for Accountability for Results.

One commenter recommended that the placement measures, 3S1 and 1P1, be renamed to “Placement” or “Post-program Placement” to more accurately reflect the intent of these measures in reporting on students who have continued successfully “after high school graduation or postsecondary program completion.”

Department’s Response: We appreciate the commenter’s input and have made corresponding changes to Table 7: Section 113(b) Core Indicators of Performance in Section II.D: Narrative Descriptions for Accountability for Results and to Item V.B: State Determined Performance Levels (SDPL) Form in Section V: State Determined Performance Levels (SDPL).

One commenter recommended that the nontraditional measures, 4S1 and 3P1, be renamed “Non-traditional Program Concentration.”

Department’s Response: We appreciate the commenter’s input and have made corresponding changes to Table 7: Section 113(b) Core Indicators of Performance in Section II.D: Narrative Descriptions for Accountability for Results and to Item V.B: State Determined Performance Levels (SDPL) Form in Section V: State Determined Performance Levels (SDPL).

One commenter recommended expanding the numbering system for “other program quality measures” in the event a State chooses to establish State determined performance levels for multiple additional indicators.

Department’s Response: We appreciate the commenter’s input and have added two rows of “other” program quality measures to Table 7: Section 113(b) Core Indicators of Performance in Section II.D: Narrative Descriptions for Accountability for Results and Item V.B: State Determined Performance Levels (SDPL) Form in Section V: State Determined Performance Levels (SDPL).

One commenter recommended adding a requirement for eligible agencies to submit their “process for data review, monitoring, or strategy development” as they are developing their plans to address disparities or gaps in performance as described in section 113(b)(3)(C)(ii)(II) of Perkins IV.

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally included only verbatim language from the Perkins V statute, which does not specifically reference the submission of this information. That said, an eligible agency has full authority and flexibility to incorporate this information into its Perkins V State plan.

One commenter expressed concern that if the definition of “CTE Concentrator” includes students who only take two CTE courses, then there would not be much differentiation between the data collected under Perkins V and that collected under the ESEA, because, as the commenter stated, most high school students enroll in at least one CTE course, so according to the commenter, a sequence of two courses is an insufficient threshold for true CTE concentration. Therefore, the

commenter recommended that the Department permit States to interpret the definition of “CTE Concentrator” allow states to define concentrators as students who complete three or four courses in a program of study.

Department’s Response: While we appreciate the commenter’s input, no change has been made. In this section and throughout the guide, we have generally included verbatim language from the Perkins V statute. Section 3(12)(A) of Perkins V, defines a CTE concentrator as , “at the secondary school level, a student served by an eligible recipient who has completed at least 2 courses in a single career and technical education program or program of study.” The statutory definition is clear and the Perkins V statute does not provide, either in the definition or where the term is used throughout the statute, an eligible agency the flexibility to define a concentrator as a student who completes three or four courses in a career and technical education program or program of study.

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

Department’s Response: We appreciate the commenter’s request and have added a footnote on Table 7, Section 113(b) Core Indicators of Performance in Section II.D: Narrative Descriptions for Accountability for Results to clarify that, for the nontraditional indicators 4S1 and 3P1, “a student gets counted under this indicator if individuals from their gender comprise less than 25 percent of the individuals employed in the related occupation or field of work.”

One commenter recommended that the Department “promote work-based learning opportunities” as program quality measure, rather than “post-secondary credit attainment or industry credential attainment.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally included verbatim language from the Perkins V statute, which does not specify that all eligible agencies must select the program quality indicator pertaining to work-based learning. Rather, each eligible agency has the authority and flexibility to select program quality indicator(s) pursuant to section 113(b)(2)(A)(iv) of Perkins V that are most aligned to their State’s vision and goals for career and technical education.

One commenter asked that we clarify that the inclusion of additional program quality indicators is “optional” for States.

Department’s Response: We appreciate the commenter’s input and have made the corresponding change to Item 1 in Section II.D: Narrative Descriptions for Accountability for Results.

One commenter recommended that the Department require eligible agencies to “describe how they will take into account the performance of historically underserved subgroups when developing State Determined Levels of Performance for Core Indicators of Performance.”

Department’s Response: While we appreciate the commenter’s input, no changes have been made. In this section and throughout the guide, we have generally only included statutory requirements from Perkins V, which do not include reference to historically underserved subgroups. That said, we believe the statutory requirements for establishing State determined performance levels in section 113(b)(3)(A)(i)(III) of Perkins V, specifically (bb), as provided in Text Box 7: Requirements for State Determined Performance Levels in Section V: State Determined Performance Levels, sufficiently address this commenter’s interest.

Several commenters recommended that the Department require each eligible agency to “describe any changes made to their state determined levels of performance in the State plan as result of stakeholder feedback.”

Department’s Response: We appreciate the commenter’s input and have made the corresponding change to Item 3 in Section II.D: Narrative Descriptions for Accountability for Results.

One commenter expressed concern that the guide requests that States document their processes of setting state-determined levels of performance, which is not required under statute.

Department’s Response: While we appreciate this commenter’s input, no changes have been made. Section 122(d)(10) of Perkins V, regarding the contents of the State Plan, specifically requires plans to include “a description of the procedure the eligible agency will adopt for determining State determined levels of performance... .” In addition to being statutorily required, we believe that information pertaining to a State’s process for setting their State determined performance levels is important context for the Department when reviewing State plans, including making the determination that the State plan meets the minimum requirements for State determined performance levels outlined in section 113(b)(3)(A)(i)(III) of Perkins V.

One commenter expressed concern about the high-stakes nature of setting performance levels for a five-year period. They recommended that the Department make better reference to State’s ability to adjust performance levels.

Department’s Response: While we appreciate this commenter’s input, no changes have been made have been made. We believe the Perkins V State plan requirement to “revise, as applicable, the State determined levels of performance for any of the core indicators” in Item 3 in Section V.A: State Determined Performance Levels (SDPL) Instructions sufficiently addresses this commenter’s interest.

### **III. ASSURANCES, CERTIFICATIONS, AND OTHER FORMS**

No comments were received on this section of the guide.

#### **IV. BUDGET**

One commenter expressed concern regarding separate reporting on the amount of funds reserved under section 112(c), if any, by secondary and postsecondary recipients, noting that this requirement would discourage collaboration among recipients and would not allow funds to be distributed to consortia comprising secondary and postsecondary recipients.

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

One commenter indicated a correct interpretation of the set-aside for special populations is 0.1 percent of the "total state leadership funds," not the "entire amount of funds allocated to the eligible agency."

Department's Response: Upon further review of the statutory language of Perkins V and consistent with the Senate Report 115-434, we agree with the commenter. See: <https://www.congress.gov/congressional-report/115th-congress/senate-report/434/1>. We have made the corresponding change to Item 2 in Section IV.A: Budget Instructions.

#### **V. STATE DETERMINED PERFORMANCE LEVELS**

One commenter recommended that the Department require States to "disaggregate the levels of performance they set for the percentage of CTE concentrators in career and technical education programs and programs of study that lead to non-traditional fields by career cluster."

Department's Response: While we appreciate the commenter's input, no changes have been made have been made. In this section and throughout the guide, we have generally only included statutory requirements of Perkins V, which do not call for States to disaggregate levels of performance. However, States will be required report this disaggregated data in their State Report, consistent with Section 113(b)(3)(C)(ii).

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#### **Responses to Comments on the Supporting Statement for Paperwork Reduction Act Submission**

One commenter indicated that the estimated burden hours for Fiscal Year 2020 (the time during which the Perkins V State plan must be developed and submitted) is far too low. The commenter indicated that, while the new requirements for comprehensive local needs assessments, State determined levels of performance, and additional stakeholder engagement are all powerful opportunities, they also will take significantly more time to fulfill than those under Perkins IV.



Department's Response: Upon further require of the statutory requirements of Perkins V, we have doubled the estimated burden hours (from 74 to 148) and revised the Supporting Statement for Paperwork Reduction Act Submission accordingly.

One commenter expressed concern that the Department estimated “zero” in “annual cost to respondents or record keepers resulting from the collection of information.” They indicated that the new requirements for a secondary CTE concentrator, new core indicators of performance, and new disaggregation requirements represent significant changes that will need to be made to State data systems.

Department's Response: This information collection is limited to Perkins V State Plans required by section 122 of Perkins V and does not include aggregate performance data that section 113 of Perkins V requires the State to report to the Department. The cost and burden hours associated with performance reporting are addressed in information collection 1830-0569.