

**Veterans Upward Bound
Summary of Public Comments
Proposed Changes to the 2013 Annual Performance Report
Following 60-Day Review Period**

Introduction

On July 24, 2013, the Department of Education (Department) published a Notice of Proposed Information Collection Request (Notice) in the Federal Register inviting comments by September 23, 2013, on the proposed annual performance report (APR) for the Veterans Upward Bound (VUB) program. Changes to the APR were necessitated by changes resulting from the passage of the Higher Education Opportunity Act (HEOA) of 2008, the amendments to the VUB program regulations on October 10, 2010 and the new standardized project objectives implemented under the fiscal year (FY) 2012 competition for new grants.

Five respondents submitted eight individual comments (i.e., multiple comments from respondents). The Department reviewed each of the concerns and has taken action, as necessary, to address the comments submitted during the 60-day comment period. In addition, two new fields have been added to the VUB APR. The field, Participant's Name Change (Optional), was added to assist tracking participants over time. The field will allow projects to enter and update a name change, when necessary. Another new field, Academic Need, has been added to allow projects to report on the academic need of VUB participants (refer to discussion below).

Additionally, we consolidated the three program eligibility fields in the draft VUB APR into a single field. In the previous grant cycle there were two criteria for eligibility--low-income, and potential first-generation college student--whereas now there are three criteria: low-income, potential first-generation college student, or an individual who has a high risk for academic failure. In this one eligibility field, a grantee will be able to select for each participant any single eligibility criterion or any combination of the three eligibility criteria.

Upon further review of the reporting requirements and to reduce the reporting burden on grantees, we decided to drop the following two fields that were in the first draft of the new VUB APR: Postsecondary Enrollment Objective – Numerator (VetPSEEnrollObj) and Postsecondary Completion Objective – Numerator (VetPSCompleteObj), since the data needed to determine the numerator for these objectives are captured in other fields. For example, the numerator for the Postsecondary Enrollment Objective can be derived from the data provided in the following fields: VUB Educational Program Completion Year (VetCompleYR) and the Date of First Postsecondary School Enrollment (VetFirstEnrollDT). For the 2012-13 project year, the numerator includes those VUB participants who completed the VUB educational program during the previous project year (2011-12) and enrolled in postsecondary education by September 30, 2013.

We also made minor technical changes, such as the coding of response options for some fields and some modified verbiage, but none that significantly affect the data collected within each field or its intended use (e.g., calculating prior experience or tracking performance measures).

Specific changes to the APR, based on comments received from the public, are addressed below.

Section II: Eligibility Information

High Risk for Academic Failure Designation

Comments: Two commenters expressed concern about the definition and potential implications of labeling a participant as high risk. The commenters explained that veterans face unique challenges, as a result of their military service, when pursuing postsecondary education. The commenters further stated that no one is qualified to assign a classification on a veteran that they will experience academic failure due to these unique challenges and that the question should not be included in the data collection.

Discussion: The Higher Education Opportunity Act of 2008 included a new statutory provision that expands participant eligibility for VUB to individuals “at high risk of academic failure”. Per §645.6 of the program regulations and as noted within the “Definitions that Apply” in the instructions accompanying the APR, participants can be classified as high-risk for academic failure in accordance with three different categories. This regulatory definition of high risk for academic failure for VUB was crafted based on significant feedback from the public during the negotiated rulemaking process that preceded the implementation of the regulations. During the negotiated rulemaking process the non-Federal negotiators supported the requirement for VUB to serve high-risk participants, and the criteria for high-risk veterans were proposed by the non-Federal negotiators. The high-risk for academic failure eligibility criterion allows projects to serve a broader population of participants because not all participants are required to be low-income and/or first-generation, as they were previously.

Identifying and reporting that a participant is at a high risk of academic failure should not be viewed negatively, nor should it be viewed as an invariable predictor of a participant’s academic success. An assessment of whether participants meet the eligibility requirements for high risk for academic failure is required by all projects as it pertains to each participant. Accurate reporting of participant eligibility information allows projects to use these three categories as indicators of a participant’s need for academic support (see §645.3), and it allows the Department to better analyze the population that is served by VUB. The Department is aware that a project may not have collected information on two of the high risk criteria at the time of the participant’s initial selections (i.e., out of school for five years; low standardized test scores) for participants first served prior to the 2012–17 grant cycle; therefore, a project may select the option (Not applicable, participant served prior to the 2012-17 grant period).

Further, because the high-risk eligibility status is new to the 2012–17 grant cycle and because of the delays in clearing the new VUB APR, the Department is aware that projects may not have collected this information on all new participants first served in the 2012–13 or 2013-14 project years and thus may select “unknown”. However, beginning with the 2014–15 project year, a project is expected to assess a new participant’s eligibility using all three criteria and to report accordingly.

For the third high risk criterion (disability status), a project provided this information for demographic purposes in the prior APRs and thus should be able to provide this information on all current and prior year participants.

In addition, , the Department has determined that the new APR should include another field to permit a project to report on a VUB participant's need for academic support needs that is outside the definition of "high risk".

Action Taken: While the reporting requirement has not changed, the options available in the three "At Risk" fields have changed. Option 9, which previously read, "Not applicable, participant not at high risk for academic failure," has been amended to read, "Not applicable, prior or continuing participant served before the 2012-17 cycle." The Department has also added to the APR a new field entitled, Academic Need, which will capture other needs a veteran may have for academic support in order to prepare for postsecondary education.

High Risk of Academic Failure - Eligibility Based on Low Standardized Test Scores

Comment: One commenter suggested that the Department establish a set standardized test score for projects to use when determining if a participant met the high-risk criterion based upon low standardized test scores. In addition, the commenter stated that obtaining standardized test scores would be difficult because veterans are not likely to remember their standardized test scores and obtaining the information from third-party (e.g., high school) is often not feasible for individuals who have been out of school for several years.

Discussion: The Department does not have the authority to regulate assessments. Further, the program regulations allow the project to determine the academic needs of participants (§645.3); therefore, the specific standards for low standardized test scores are to be determined by each project.

A project is not required to use "low standardized test scores" in determining a participant's eligibility to receive VUB services. However, the Department would like to remind projects that standardized test scores are required for the Academic Improvement on Standardized Test program objective; therefore, the project must provide this information in field #29 in order to qualify for prior experience (PE) points for this objective

Action Taken: None.

High Risk of Academic Failure - Eligibility Based on Disability Status

Comments: One commenter expressed concern that projects would not be required to report on the disability status of all participants served by VUB.

Discussion: Disability status is defined in section 12102 of the *Americans with Disabilities Act* (42 U.S.C. 12101 *et seq.*). In the version of the APR that was posted for the 60-day comment period, projects were only required to select an applicable response in the disability status field for participants who were designated as at a high-risk of academic failure. However, the

Department has determined that it is important to gather this information for demographic purposes. Therefore, instead of adding a new field to capture this information, the Department is requesting that projects respond to this field for all current and prior-year participants

Action Taken: The APR form has been revised to include the following instruction for field #19 (At Risk: Disability): “In the prior APR, a VUB project was required to report on the disability status of participants for demographic purposes. Therefore, in this new field, please report on the disability status of **all** current and prior-year participants.

Section II: Fields Concerning Participation in VUB

Reporting on Reentry Participants

Comments: Noting that this field indicates that a date of last service must not change in a later reporting year, one commenter argued that the options provided in this field do not provide a means to report on reentry participants.

Discussion: The Department agrees that the field and instructions need to be modified to make clear that the date of last service may be revised for reentry participants.

Action Taken: The field now directs the grantee to the General Instructions for guidance on reporting reentry participants; the instructions have been revised to indicate that, for a “reentry” participant that has not completed the program by the end of the reporting year, the date of last project service should be changed to 99/99/9999 (“Not applicable, participant is still in the program”) or for a “reentry” participant that has completed the program by the end of the reporting year, the last service date of the student should be updated.

Section II: Information on Postsecondary Education

Postsecondary Remediation

Comment: Two commenters expressed that the available response options for the postsecondary remediation field do not include an option for participants who are not in the current postsecondary enrollment cohort. Additionally, one commenter stated that tracking remediation of participants while in postsecondary education will be virtually impossible. Another commenter stated that an option of not applicable should be available for a prior participant.

Discussion: For reporting year 2012-13 (as an example), the postsecondary remediation field requests information only on participants in the 2012 postsecondary education enrollment cohort (i.e., current or prior-year participants who completed their prescribed VUB educational program at any time and enrolled in a program of postsecondary education during academic year 2012-13). The concerns raised by the commenters, regarding the lack of an appropriate option to

report that a participant is not in the applicable cohort, have been taken under advisement. It was determined that a necessary response option had been omitted.

The field on postsecondary remediation reflects one of the performance measures established for VUB and included in the grant application package. The Department developed these measures to track the progress of VUB projects in achieving program success; the specific measure on remedial course enrollment may help the Department assess the extent to which VUB projects are able to prepare participants adequately for success at the postsecondary level. The Department acknowledges that some projects may encounter difficulty in acquiring information on participants' remedial coursework; we note, however, that the timeframe is limited, encompassing only the first year of postsecondary education; we hope that the brevity of the period will help projects as they complete the task. We also hope that projects' normal follow-up contacts with prior-year participants will serve as opportunities to inquire about remedial coursework. Information on remediation that the project gains through such personal contacts is acceptable documentation, as long as the project considers it reliable. The Department is, moreover, attempting to identify additional ways in which, over the course of the grant cycle, data on remediation could be more readily gathered.

Action Taken: An additional option has been added to the postsecondary remediation field: Option 9, which states, "Not Applicable – Participant is not in the 2012-13 cohort."

The Department is not changing the requirement that VUB projects report on postsecondary remediation.

Reporting Postsecondary Completion

Comments: One commenter perceived responses to several of the fields regarding postsecondary completion as redundant, as similar information is collected in the fields for each postsecondary credential and the corresponding date fields.

Discussion: The Department maintains that information for these fields is needed for the calculation of the statutorily prescribed postsecondary completion outcome measures for the VUB program and the performance measures established for the FY 2012 VUB grant competition (e.g., measures on-time completion of postsecondary degrees)

Action Taken: None.