

Perkins V:

Program Improvement Plan Guidance, Fiscal Year 2021



**ADMINISTRATIVE FIELD SERVICES UNIT
OFFICE OF CAREER TECHNICAL EDUCATION**

Perkins V: Program Improvement Plans Policy and Business Rules effective February 2022

The Carl D. Perkins Act (Perkins V- Strengthening Career and Technical Education for the 21st Century Act) requires eligible recipients to meet performance indicators or implement Program Improvement Plans and face sanction for failure to do so. Ohio has developed policies to administer portions of that act, including this policy regarding program improvement plans and sanctions.

Section 123 of the Act requires the Ohio Department of Education to evaluate eligible recipients annually for attainment of their local levels of performance for core indicators. Ohio's core indicators for secondary career technical education are:

- 1S1 – Student Graduation Rate 4-Year
- 1S2 – Student Graduation Rate 5-Year
- 2S1 – Academic Attainment – Reading/Language Arts
- 2S2 – Academic Attainment – Mathematics
- 2S3 – Academic Attainment – Science
- 3S1 – Post-Program Placement
- 4S1 – Non-Traditional Program Enrollment
- 5S3 – Program Quality – Work-Based Learning
- 5S4 – Program Quality – Technical Skill Attainment

If an eligible recipient fails to meet at least 90 percent of an indicator for any of the core indicators of performance, the eligible recipient must develop a program improvement plan during the first program year succeeding the program year of nonattainment.

The program improvement plan must include an analysis of the performance disparities or gaps between the performance of special populations and subgroups, the actions that will be taken to address those gaps in consultation with local stakeholders, and a commitment to document the above.

The Administrative Field Services unit posts Program Improvement Plan (“PIP”) materials (forms, instruction) on the Compliance and Funding webpage by February 15 each year.

Eligible recipients get a PIP email or notification letter by February 15, for indicators which performance targets were not met in the prior state fiscal year. In the PIP notification letter, the Administrative Field Services consultant assigned to each district that has failed to meet any core indicator will:

- Notify eligible recipients of those core indicators where 90% of the target was not met.
- Indicate the need to submit a Program Improvement Plan to be emailed to the district's Administrative Field Services consultant in Word format by March 31, with at least one documentable action step addressing gap closing, such that at least one action step has commenced by June 30.
- The Administrative Field Services consultant will review and approve or deny submitted Program Improvement Plans within 15 days of submission, or by April 15 whichever date comes first. Approved Program Improvement Plans will be emailed to the Superintendent with the Administrative Field Services consultant's name electronically signed, and the document converted into PDF format.
 - Criteria for Program Improvement Plan Approval
 - Strategies and action steps must be reasonably related to the needed improvement in the performance indicator(s).
 - Action steps must be time-bound and documentable, with at least one action step beginning by June 30, 2022.
 - The Program Improvement Plan must show evidence of analysis of special population and subgroup performance gaps and **at least one** documentable action step designed to close one or more such performance gap(s).
 - Work Based Learning is identified as a Primary Indicator subject to the sanction policy if that performance indicator was not met in Fiscal Year 2021.
 - The Superintendent must certify that:
 - Documentation of Action Steps will be maintained for monitoring and audit purposes
 - Documentation of Stakeholder engagement will be maintained for monitoring and audit purposes

As a matter of policy, the Department will work with the recipient to identify two performance indicators of primary concern. These two indicators will be the only two performance indicators subject to the sanctions policy provisions dealing with unmet performance indicators (outcomes); however, all PIPs are subject to sanction for a failure of the recipient to timely execute the action steps of a PIP (activity). Every district that did not meet the core performance indicator for Work Based Learning for FY21 must include completion and return of the Work-Based Learning Growth Strategy Chart as an Action Step to be completed by June 1.

Program Improvement Plans that do not meet the above-listed criteria and are thus not approved by the Administrative Field Services consultant must be resubmitted by May 1. The assigned Administrative Field Services consultant will approve resubmitted PIPs that meet the above-listed criteria the earlier of 15 days after resubmission, or by May 15.

Program Improvement Plans will be subject to the Department's Annual Monitoring Process or other periodic or ad hoc review. Administrative Field Services consultants may meet with districts with approved Program Improvement Plans and may request relevant documentation no earlier than six months after the approval of the Program Improvement Plan.

Sanctions Policy Related to Program Improvement Plans

Perkins V allows for the Department of Education to withhold all, or a portion, of a recipient's allotment for a recipient's continued failure to meet one or more Performance Indicators. By policy, Ohio will allow for monetary sanctions for up to two performance indicators marked as a Primary Indicator subject to the Sanction Policy for a failure to achieve performance outcomes, and for those other indicators where the recipient failed to take the action steps within the PIP (activity). The following provides for Ohio's policy related to such sanctions.

After notice and opportunity for a hearing, the Ohio Department of Education may withhold all or a portion of the eligible recipient's allotment if the eligible recipient:

- 1) fails to implement a Program Improvement Plan, or
- 2) fails to meet at least 90% of the local level of performance for any core indicator for two consecutive years for those performance indicators marked as primary indicators.

The following procedure will be implemented in the event an eligible recipient of Perkins funding fails to meet 90% of the local performance target.

A. Recipient fails to meet 90% of the performance target

1. Notification of noncompliance will be by electronic means.
2. Recipient must submit an approvable Program Improvement Plan to the department within 60 days of the date of the notice.
3. Approvable plans will be submitted on a form provided by the department, and will consist of:
 - i. A plan to increase performance to specified levels over a period of no more than 3 years.

- ii. Action steps that are measurable and documentable, with projected dates of achievement.
 - iii. At least one action step designed to close gaps between the performance of special populations and subgroups.
4. This notification serves as full and adequate notice for due process purposes.

Level A Sanction: If the recipient does not submit an approvable Program Improvement Plan by the listed deadline or if a recipient fails to perform timely the action steps in an approved Program Improvement Plan, Perkins funds may be withheld (Project Cash Requests will be held) until a complete plan is submitted and approved.

B. Recipient fails to implement action steps of Program Improvement Plan in year one of the Program Improvement Plan and/or fails to meet 90% of local performance target for two consecutive years.

1. Notification of noncompliance will be by electronic means or by U.S. Postal Service.
2. The recipient has 60 calendar days, commencing from the date of the notification email or postmark, to respond in writing with an explanation of why progress was not made, the status of each action step, how Perkins funds will be targeted and submit a revised Program Improvement Plan.
3. Either electronic or postal service notification serves as full and adequate notice for due process purposes.

Level B Sanctions: The Department may direct all, or a portion of, Perkins funds to be used to specifically-targeted activities designed to improve the specific performance indicator(s) that have not been met.

C. Recipient fails to meet the 90% of local performance threshold for three consecutive years or fails to make meaningful progress in implementing action steps of an approved Program Improvement Plan by Year Two of the PIP.

1. “Meaningful progress” means the recipient has not completed 50% of action steps by the projected timelines or created conditions leading to the imminent implementation of a strategy.
2. Notification of non-compliance will be by electronic mail or U.S. Postal Service.
3. The recipient has 60 calendar days commencing from the date of the email or postmark on the notification letter to respond.
4. The email or notification letter delivered by U.S. Postal Service serves as full and adequate notice for due process purposes.

Level C Sanctions: The Ohio Department of Education may require all or a portion of Perkins funds be used for specifically directed activities designed to improve the particular performance indicators that are not meeting target, or all or a portion of Perkins funds may be withheld from the district and reallocated to the benefit of its students.

Technical Assistance

The Ohio Department of Education will provide technical assistance to recipients who have failed to meet the 90% target percentage. Technical assistance may include, but is not limited to:

- Telephone conferencing and support
- Training, workshops or professional development
- Resources and other materials
- Site visit

Due Process:

Waiver: Recipients may apply for a one-year waiver of sanctions due to exceptional and uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in financial resources. Such waiver request is subject to approval by the Assistant Director.

Notice: All recipients will be notified by electronic means. U.S. Postal Service may also be used when funds may be withheld.

Hearings: Recipients may request a hearing. Requests for a hearing must be made in writing and received within 15 days of the email or postmark on the notification letter.

Withheld and targeted funds: The Ohio Department of Education shall direct the use of withheld and targeted funds to provide services and activities to students served by the recipient subject to sanction.

Policy Effective: February 15, 2022