



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF VOCATIONAL AND ADULT EDUCATION

THE ASSISTANT SECRETARY

August 31, 2012

TO: State Directors for Career and Technical Education

FROM: Brenda Dann-Messier 

SUBJECT: Abbreviated Request for a Revision to State Adjusted Levels of Performance under the Carl D. Perkins Career and Technical Education Act Based on a State's Approved Flexibility under the Elementary and Secondary Education Act

I am pleased to provide information for a State that wishes to request a revision to its State adjusted levels of performance under the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), based on the State's approved flexibility under the Elementary and Secondary Education Act of 1965 as amended (ESEA). Section 113(b)(2)(A) of Perkins IV incorporates some indicators of performance from the ESEA: academic attainment in reading/language arts (1S1); academic attainment in mathematics (1S2); and student graduation rates (4S1).

A State with approved ESEA flexibility may submit an abbreviated request to adopt its new ESEA annual measurable objectives (AMOs) or targets as its adjusted performance levels for one or more of the corresponding Perkins IV indicators of performance. Such a request would be consistent with OVAE's long-standing policy to strongly encourage a State to use its ESEA AMOs or targets as its Perkins IV performance levels.

Section 113(b)(3)(A)(vii) of Perkins IV allows a State to request that the Secretary revise one or more of the State's agreed-upon adjusted levels of performance if an unanticipated circumstance arises in the State. The Office of Vocational and Adult Education (OVAE) has previously issued nonregulatory guidance on the process for requesting a revision to a State's adjusted levels of performance.¹ Generally, under this process, a State would submit the same type of detailed information to support its request as it submitted with its State plan, including a revised Final Agreed Upon Performance Levels Form (FAUPL).²

Abbreviated Request for a Revision. A State may submit a revised FAUPL and provide the page number of the State's approved ESEA flexibility request³ that shows the new ESEA AMO or targets that corresponds to the State's proposed Perkins IV level. This abbreviated request will be sufficient because OVAE considers the award of ESEA flexibility to be an unanticipated circumstance for purposes of Perkins IV, and the information that is relevant to such a request is

¹ OVAE's guidance is set forth in the *Questions and Answers Regarding the Implementation of the Carl D. Perkins Career and Technical Education Act of 2006 – Version 3.0 (Q&As)* in Questions B.40-B.45. The Q&As are available at: <http://cte.ed.gov/docs/nonregulatory/PerkinsIVNon-RegulatoryGuidanceQAVersion3.0.pdf>.

² The Perkins IV Guide for the Submission of State Plans (OMB Control No. 1830-0029) requires a FAUPL and supporting information. The State Plan Guide is available at: <http://cte.ed.gov/docs/nonregulatory/stateplan.doc>.

³ All approved ESEA requests are available at: <http://www.ed.gov/esea/flexibility/requests>.

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in a State's approved ESEA flexibility request. Thus, the detailed information described in the nonregulatory guidance is unnecessary for a revision based on a State's ESEA flexibility.

Timeline. A State should submit its request related to Perkins IV program year five (2011-2012) as soon as possible but no later than September 14, 2012, to ensure that OVAE can approve changes to a State's FAUPL before a State must submit its performance data. A State that wishes to request a revision related only to Perkins IV program year six (2012-2013) should submit its request as soon as possible.

Implementing Changes to the FAUPL. Once OVAE and a State have reached agreement to revise any Perkins IV adjusted performance levels for program year five or six, a State must confirm these levels via an e-mail submission of the State's FAUPL. Subsequently, OVAE will approve the revised FAUPL and incorporate it into the State's Perkins IV State plan.

To begin the process of revising Perkins IV adjusted performance levels, please contact your State's Regional Accountability Specialist (RAS), so OVAE can open the Perkins IV database for your State's submission of its revised FAUPL. If you have any questions regarding this process, please contact John Haigh, Chief, Accountability and Performance Branch, at john.haigh@ed.gov or 202-245-7735, or your State's RAS.