

## PERKINS IV

### Performance Improvement Plan (PIP) Policy for Postsecondary Institutions

The Carl D. Perkins Career and Technical Education Act of 2006 “Perkins” was signed into law in August 2006, and authorized for FY2008-FY2013. The Ohio Department of Education “ODE” and the Ohio Board of Regents “OBR” have developed a state plan for implementing the requirements under this Act.

Section 123(b) of the Perkins Act of 2006 requires all local recipients meet a minimum of 90% of a negotiated level of performance for core indicators. As the agency responsible for accountability, OBR must determine whether recipients meet the negotiated performance target, provide appropriate technical assistance and implement sanctions where necessary.

Under Perkins, *OBR may withhold any or all Perkins funding* if the recipient fails to:

- I. submit and implement a Program Improvement Plan (PIP), *or*
- II. make improvement in any year of implementation of the PIP, *or*
- III. meet 90% of the negotiated performance target for three or more consecutive years.

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

- A. Recipient fails to meet 90% of the negotiated performance target (first year)
  1. Notification letter of non-compliance will be electronic to the OTC superintendent and Perkins grant coordinator or college president and Perkins grant coordinator.
  2. Recipient must submit an approvable PIP to OBR within thirty (30) calendar days of notification as described in the notification letter. Guidelines for preparing a PIP are published by OBR and available online at [www.ohiohighered.org/Perkins/Performance](http://www.ohiohighered.org/Perkins/Performance).
  3. The thirty days will commence from the date on the notification letter.
  4. The notification letter serves as full and adequate notice for due process purposes.

*Level A Sanctions: If the recipient does not submit a PIP by the deadline, or submits an unacceptable PIP (incomplete, non-implementable, etc.) then Perkins funds shall be withheld until an approvable plan is submitted.*

- B. Recipient fails to meet 90% of the negotiated target for a second consecutive year and fails to make progress toward the negotiated performance target in year two
1. Notification letter of non-compliance will be electronic to the OTC superintendent and Perkins grant coordinator or college president and Perkins grant coordinator.
  2. Recipient must submit an approvable PIP to OBR within thirty (30) calendar days of notification as described in the notification letter. Guidelines for preparing a PIP are published by OBR and available online at [www.ohiohighered.org/Perkins/Performance](http://www.ohiohighered.org/Perkins/Performance).
  3. The thirty days will commence from the date on the notification letter.
  4. The notification letter serves as full and adequate notice for due process purposes.

*Level B Sanctions: OBR may direct all or a portion of Perkins funds be used for specifically targeted activities designed to improve the particular performance indicator(s) that have not been met.*

- C. Recipient fails to meet 90% of the negotiated performance target for three or more consecutive years.
1. Notification letter of non-compliance will be electronic to the OTC superintendent and Perkins grant coordinator or college president and Perkins grant coordinator.
  2. Recipient must submit an approvable PIP to OBR within thirty (30) calendar days of notification as described in the notification letter. Guidelines for preparing a PIP are published by OBR and available online at [www.ohiohighered.org/Perkins/Performance](http://www.ohiohighered.org/Perkins/Performance).
  3. The notification letter serves as full and adequate notice for due process purposes.
  4. This level of consecutive years of missing the same performance target is unacceptable and OBR will establish a priority to provide targeted intervention to institutions falling into this category.

*Level C Sanctions: OBR may require all or a portion of Perkins funds be used for specifically directed activities designed to improve the particular performance indicator(s) that are not meeting target, or all or a portion of Perkins funds may be withheld.*

Subsequent year additions to the PIP: Additional performance targets in subsequent years may be added to an already existing PIP. In cases where a PIP contains performance indicators in various phases, the plan must clearly delineate the first year the performance indicator was not met.

Technical assistance: OBR will provide technical assistance to recipients who have failed to meet the required 90% negotiated 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

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.

Withheld funds: Determination of the use of withheld or forfeited funds will be at the discretion of OBR/ODE. Funds withheld or forfeited may be directed for specific activities as determined by the recipient and approved by ODE/OBR, or used to provide services through alternative arrangements by a third party. All funds will be used to provide services to the students within the service area and affected by the failure to reach the target percentage.

Due Process: All recipients must be notified by electronic means of non-compliance. Recipients may request a hearing prior to funds being withheld. Requests for a hearing must be made in writing and received within fifteen (15) calendar days of the date on the electronic notification letter. Funds being temporarily withheld pending receipt of a PIP do not require a hearing if withheld for less than ninety (90) calendar days.

PIP Follow-up: A follow-up report for the PIP is required to be completed at the end of the implementation year. The report must detail implemented improvement activities as stated in the original PIP to demonstrate progress.