

# ATTACHMENT K

Negotiation Process

## **Attachment K – Negotiation Process**

### **Perkins IV**

#### **Negotiating Process for State and Local Levels of Performance**

##### **A. States Will Reach Negotiated Performance Levels for Accountability Core Measures and Standards with the Secretary.**

The Maine DOE, with input from the eligible recipients in the State, shall identify valid and reliable State levels of performance for each of the core indicators required by Section 113 of the Carl D. Perkins Act for CTE activities authorized under this Title. All local levels of performance will be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable. These levels of performance will be determined by conducting an analysis of State and national data from a broad variety of sources, including NCLB, the Maine Department of Labor, the National Student Clearinghouse (if possible) and MDOE and MCCS.

The Maine DOE will provide supporting documentation for the performance levels it develops, including

1. A description of the methodology used to arrive at the proposed levels.
2. How these performance levels promote continuous improvement in CTE education as measured by the core indicators.

The Maine DOE will work with the Secretary to develop mutually agreeable levels of performance for the two-year negotiated period. Once the levels of performance are agreed upon, the Maine DOE will include the negotiated levels of performance in its state plan.

Subsequently, the Maine DOE shall identify levels of performance prior to the third and fifth program years covered by the local plan. These levels will take into account how other similar states have performed on their levels and how much Maine's performance has created continuous improvement in CTE education as measured by the core indicators.

If unanticipated circumstances arise in Maine with a resulting significant change in the factors described in clause (vi), the Maine DOE may request that the levels of performance agreed to under clause (iii) or (iv) be revised. The Secretary shall provide objective criteria and methods for making such revisions.

## **Perkins IV**

### **Negotiating Process for State and Local Levels of Performance**

#### **B. Local Performance Levels Negotiation Process**

The Maine DOE will provide the State levels of performance to the eligible CTE schools and postsecondary schools in Maine, and each eligible recipient will either accept those performance levels for itself or will negotiate with the Maine DOE (if secondary) or the MCCS Director of State and Federal Programs (if postsecondary) to develop its own local performance levels. All local levels of performance will be expressed as percentages.

For the secondary schools, the Academic Attainment indicator will be determined by Maine's Annual Measurable Objectives (AMOs) from the State ESEA accountability notebook for NCLB. (ESEA, section 1111(b)(2)(G)) These measures are required by NCLB for secondary education, and they will also be required for the Perkins academic accountability.

If an eligible recipient wants to negotiate a change in any other indicator, it shall provide justification for the change, which shall include at a minimum the following information:

1. The rationale for the change from the state levels
2. What methodology the school wants to use to measure the indicator
3. How this change will promote continuous improvement in CTE education as measured by the core indicators

The Maine DOE will review the school's documentation and will negotiate with the school to develop mutually agreeable performance levels.

Once the levels of performance are agreed upon, each eligible recipient will include the negotiated levels of performance in its local plan.

All levels of performance will require the eligible recipient to make continuous progress toward the goal of improving education for CTE students as measured by the core indicators.

Each eligible recipient shall identify levels of performance for each of the first two program years covered by the local plan.

Subsequently, each eligible recipient shall identify levels of performance prior to the third and fifth program years covered by the local plan. These levels will take into account how other similar eligible recipients have performed on their levels and how

much the recipient's performance has created continuous improvement in CTE education as measured by the core indicators.

If an eligible recipient has unanticipated circumstances arise with a resulting significant change in the factors described in clause (v) the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible recipient shall use objective criteria and methods for making such revisions.

## **Core indicators- Section 113(b)(2)**

“(A) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE SECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the secondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

“(i) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by a State in accordance with section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the State determined proficient levels on the academic assessments described in section 1111(b)(3) of such Act.

“(ii) Student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry recognized standards, if available and appropriate.

“(iii) Student rates of attainment of each of the following:

“(I) A secondary school diploma.

“(II) A General Education Development (GED) credential, or other State-recognized equivalent

(including recognized alternative standards for individuals with disabilities).

“(III) A proficiency credential, certificate, or degree, in conjunction with a secondary school diploma (if such credential, certificate, or degree is offered by the State in conjunction with a secondary school diploma).

“(iv) Student graduation rates (as described in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965).

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“(v) Student placement in postsecondary education or advanced training, in military service, or in employment.

“(vi) Student participation in and completion of career and technical education programs that lead to non-traditional fields.

“(B) CORE INDICATORS OF PERFORMANCE FOR CAREER AND TECHNICAL EDUCATION STUDENTS AT THE POSTSECONDARY LEVEL.—Each eligible agency shall identify in the State plan core indicators of performance for career and technical education students at the postsecondary level that are valid and reliable, and that include, at a minimum, measures of each of the following:

“(i) Student attainment of challenging career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards, if available and appropriate.

“(ii) Student attainment of an industry-recognized credential, a certificate, or a degree.

“(iii) Student retention in postsecondary education or transfer to a baccalaureate degree program.

“(iv) Student placement in military service or apprenticeship programs or placement or retention in employment, including placement in high skill, high wage, or high demand occupations or professions.

“(v) Student participation in, and completion of, career and technical education programs that lead to employment in non-traditional fields.

“(C) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for career and technical education activities authorized under this title, such as attainment of self-sufficiency.

## **State negotiations with Feds** Section 113(b)(3)

(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

(II) require the State to continually make progress toward improving the performance of career and technical education students.

(ii) IDENTIFICATION IN THE STATE PLAN.—Subject to section 4, each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

## **State negotiations with Locals Perkins Section 113(b)**

(4) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performances, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

(I) be expressed in a percentage or numerical form, consistent with the State levels of performance established under paragraph (3), so as to be objective, quantifiable, and measurable; and

(II) require the eligible recipient to continually make progress toward improving the performance of career and technical education students.

(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

(v)FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients in the State, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

(II) the extent to which the local adjusted levels of performance promote continuous improvement on the core indicators of performance by the eligible recipient.

(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factors described in clause (v), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.