

# CLASP

Policy solutions that work for low-income people

Comments from the Center for Law and Social Policy (CLASP)

On Draft Directive: Performance Guidance for WIOA Title I and III Programs

Date: June 27, 2018 | Number WSDD-185

The Center for Law and Social Policy (CLASP) is pleased to submit these comments on California's Performance Guidance for WIOA Titles I and III Programs (**WSDD-185**). We offer comments on the California-specific policies in bold, italic text and on the Measurable Skill Gain (MSG) attachment. The federal policies in standard text require no comments.

CLASP is a national, nonpartisan, nonprofit organization advancing policy solutions for low-income people. CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on the ground) that reduce poverty, improve low-income people's lives, and creates pathways to economic security for everyone. That includes directly addressing the barriers people face because of race, ethnicity, and immigration status.

CLASP is submitting comments because we have been providing research and technical assistance to California in the areas of adult education, career pathways, and workforce development for a number of years. We also have extensive experience in Workforce Innovation and Opportunity Act (WIOA) performance measures and accountability.

## **Common Exit**

We applaud California for using common exit, which occurs when a participant when a participant is enrolled in multiple DOL-administered programs, and the following:

- Has not received services for at least 90 calendar days from any DOL administered programs to which the common exit policy applies.
- No future services are planned, with the exception of self-service, information only activities, or follow-up services.

Common exit helps align programs who serve similar populations, such as low-income youth and adults or people of color. You may consider clarifying the purpose and usage of "follow up forms," which according to the draft policy are only available in CalJOBS after a common exit has occurred. A question to consider is what the staff using CalJOBS for a particular program knows about an individual's participation in other programs.

## **Secondary School Diploma or Recognized Equivalent**

We support the including links to additional resources for staff who may be less familiar with state policy around high school diplomas or equivalents.

## **Credential Attainment**

California's addition of "ideal characteristics of a quality industry-recognized credential" is helpful context for what can best enable low-income people and people of color. It is a good first step and should remain in the policy. However, it is unclear what is being asked of the workforce development community in reference to such credentials. You may consider adding a statement after the six characteristics that further describes the expected or desired response to the policy, e.g. is there an expectation that the workforce system will assess credentials based on these characteristics.

Further, CLASP supports "strongly encouraging" subrecipients to access Labor Market Information (LMI) before determining if a credential would count under the Credential Attainment Indicator. This will help ensure that credentials have value in the labor market.

### **Measurable Skill Gain Attachment**

CLASP strongly supports the creation of this simple-to-use graphical decision tree for what counts in the numerator and denominator of the measurable skill gain (MSG) indicator. MSG is an important interim progress indicator that can help programs achieve outcomes for individuals who may not otherwise achieve an employment, earnings, or credential outcome within a program year. We believe it provides an important incentive to serve low-income and lower-skilled individuals. As California's workforce diversifies, it is critical to take full advantage of MSG types to intentionally address educational and economic inequity.

In general, programs and services should be developed with particular MSG types in mind. In addition, we suggest considering when in a program year this document will be most useful to the user. Waiting until the end of the program year will be less helpful than reviewing the whole document when it is available and referring to it throughout the program year. We encourage cross-program training on this document, because no matter how useful it could be, without such training there is little hope of scaling its impact.

#### *Does the Participant Need an MSG?*

The first line of the first page reads "Does the participant need an MSG?" We note that a participant, even if required in the denominator for an MSG, does not "need" or "require" an MSG. While we realize the simplicity of this language is useful, participants may achieve any other indicator(s) and not succeed in achieving an MSG. Or they may achieve no other indicator at all. Consider language like "Is the participant eligible for an MSG?" or "Does the participant count in the denominator for the MSG indicator?"

The box on the left reads: "Is the participant enrolled, during the program year, in an educational or training program that leads to an industry-recognized post-secondary credential?" This language, from the WIOA statute, is missing "or employment" at the end of the sentence. Since this represents the policy for who is in the denominator, the full language, including "or employment" should be used unless California has set a different policy.

On the right, the top box reads "No MSG required." We believe this instead means that the individual is not counted in the denominator. Similarly, the bottom box reads "MSG REQUIRED!" Again, this probably should indicate that the participant can go in the numerator if they make an MSG. We appreciate the simplicity of the current language, and do not necessarily recommend that you make it more complicated, but simply call your attention to the discrepancy between your document and the law.

#### *Educational Functioning Level (EFL)*

This page will be helpful, especially for highlighting the three ways a participant can achieve an EFL. In many cases, programs incorrectly believe that an EFL can only be achieved through pre-test vs post-test, as was previously the case. WIOA reporting opens up three different ways to achieve an EFL, which can be particularly helpful for Title I, which almost never uses pre-test vs post-test.

#### *Secondary School Diploma*

This page appears to align with statute and federal guidance and will likely be helpful to users.

#### *Secondary School Transcript or Report Card and Postsecondary School Transcript or Report Card*

In this document, the state separates “Secondary School Transcript or Report Card” from “Postsecondary School Transcript or Report Card.” While the WIOA regulations and federal guidance combine the two, we prefer your approach of separating them for simplicity.

#### *Training Milestone*

The box in the upper left reads: “During the Program Year, is the participant enrolled in an On-the-Job (OJT) Training, or Registered Apprenticeship (RA) Program?” This assumes a narrow reading of the federal guidance, which uses OJT and RA examples, not requirements. However, in the 2016 Office of Management and Budget (OMB)-approved annual report specifications, the language includes OJT, RA, **and** work experience, showing that their reading new reading was more permissive. Unfortunately, looking forward to 2018, OBM re-limited their report specifications to include only OJT and RA, which seems to indicate that they are again taking a very narrow reading of the performance guidance. We are reaching out to the U.S. Department of Labor (USDOL) for clarification on this issue.

Ideally, we would like to suggest adding both work experience and Workplace Adult Education and Literacy Activities (defined in title II) to your current language, to show that a variety of work-based learning fits “training milestone.” Failure to do this locks out lower-skilled individuals who rarely participate in OJT or RA of this important outcome indicator. Nevertheless, we cannot recommend this until we receive clarification from USDOL.

#### *Passage of an Exam*

The bottom right-hand box reads: “Does this exam show progress in attaining technical or occupation skills...” as in the federal guidance, but leaves out “as evidenced by trade-related benchmarks.” We understand that this simplifies the language, but it leaves out the important component of trade-related benchmarks. We suggest considering adding trade-related benchmark to the document.

Thank you for the opportunity to comment on California’s Performance Guidance for WIOA Titles I and III Programs. Please feel free to contact Anna Cielinski at [acielinski@clasp.org](mailto:acielinski@clasp.org) or Judy Mortrude at [jmortrude@clasp.org](mailto:jmortrude@clasp.org) with any questions.