

September 18, 2015

Luke Murren
Office of Policy Development and Research, Room N5641
Employment and Training Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

RE: Collection of data for the WIOA Performance Management, Information, and Reporting System (OMB Control No. 1205–0NEW, Docket ETA-2015-0007)

Dear Mr. Murren,

Thank you for the opportunity to provide comments concerning the collection of data for the Performance Management, Information, and Reporting System for Workforce Innovation and Opportunity Act (WIOA) programs (OMB Control No. 1205–0NEW), including the WIOA Annual State Performance Report Template, WIOA Annual Local Area Performance Template, WIOA Eligible Training Provider (ETP) Report Template, WIOA Joint Participant Individual Record Layout (PIRL), and WIOA Data Element Specifications.

The Center for Law and Social Policy (CLASP) advocates for public policies that reduce poverty, improve the lives of poor people, and create ladders to economic security. We are knowledgeable on performance measurement and data systems across workforce development, adult education, and postsecondary education, and have closely followed and commented on issues regarding performance under WIOA.

We applaud the Departments of Education and Labor for working together to create these WIOA templates and especially the layout for the new individual record required by the law. A single record for each individual, regardless of the WIOA program or programs in which she is enrolled or co-enrolled is a major step toward shared accountability and the ability to track individuals through career pathways across WIOA programs. Career pathways are a required strategy under WIOA and have proven particularly beneficial for low-income and lower-skilled individuals because of their combination of education, training, and support services.

Our comments cover six areas: 1) the “all students” reporting requirement for the eligible training providers, 2) the credential attainment rate, 3) the measureable skill gains indicator, 4) the ability to track WIOA’s required priority of service for “public benefits recipients, other low income individuals, and individuals who are basic skills deficient,” 5) types of credentials, and 6) Title II reporting.

1. “All Students in Program” reporting requirement

WIOA requires eligible training providers to report data on all students enrolled in a training program, not only the WIOA-funded participants, and CLASP applauds the Departments for providing clarity on this important requirement through the ETP Report Template. Although there was previously a similar “all students” reporting mandate in the Workforce Investment Act (WIA), states typically received waivers from the Department of Labor, so the requirement was not widely implemented. CLASP applauds the Department for its statements that it will no longer approve such waivers.

The template provides clarity by requiring performance data for “all students in program.” This is underscored by the required separate count of WIOA participants who received training through the program. We recognize that reporting data on all students may be a challenge for some training providers and states. However, having data on all students will help WIOA participants to make informed choices when selecting a training program.

2. Credential Attainment Rate

CLASP urges the Departments to modify the credential attainment denominator specification (Report Item No. 28) to include all WIOA participants, not only those who participate in education or training, as intended by the letter and spirit of the law.

WIOA Section 116(b)(2)(A)(i)(IV) defines the credential attainment rate indicator as follows:

“(IV) *the percentage of program participants* who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent..., during participation or within one year after exit from the program” (emphasis added).

The law states that all program participants should be counted in the denominator of the credential attainment rate indicator. It is made clearer by the fact that the Measureable Skill Gain indicator denominator explicitly includes only those “in an education or training program that leads to a recognized postsecondary credential or employment,” but the law does not limit the denominator for credential attainment rate in the same way.

However, in the WIOA Data Elements Specifications document, the plain text specification for the Credential Rate Denominator limits the denominator to participants who exited and were enrolled in an education or training program. This is problematic not only because it deviates from the law, but also because as proposed in the specification, it will give programs a significant disincentive to enroll participants in education or training. If programs can keep their credential attainment rate high by limiting the denominator to the few who will certainly attain a credential, they will not risk enrolling low-income or lower-skilled individuals in training who appear less likely to succeed. Creating such an incentive for “creaming” is counter to the spirit of the WIOA law, which emphasizes providing priority of service to low-income and other high-need individuals, and focuses on serving individuals with barriers to employment.

3. Measurable Skill Gains

The Measurable Skill Gains Report Template presents five sub-measures, which are referred to in the Data Elements Specifications' Report Item No. 30 (Measurable Skill Gains Numerator) as 1) educational achievement; 2) high school diploma or equivalent; 3) secondary/postsecondary transcript/report card; 4) training milestone; or 5) skills progression. The descriptions of each sub-measure in the Measurable Skill Gains Report Template are very similar those listed in the Joint DOL/ED Notice of Proposed Rule Making [RIN 1205-AB74], with the removal of a sixth sub-measure described in the draft regulations as “measurable observable performance based on industry standards.”

The first sub-measure is described as “achievement of at least one educational functioning level of a participant in an education program that provides instruction below the post-secondary level.” This appears to be similar to a measure under the Adult Education and Family Literacy Act's National Reporting System (NRS), which would now be applied across all core programs. It is particularly important for Title II and Title I Youth programs and participants.

“Attainment of a high school diploma or its equivalent,” the second sub-measure, is appropriate and appears to be relatively straightforward to understand and document.

The third sub-measure is a “transcript or report card for either secondary or post-secondary education for 1 academic year (or 24 credit hours) that shows a participant is achieving the state unit's policies for academic standards.” On this sub-measure, CLASP has three suggestions. First, as we noted in our comments on the draft regulations, the sub-measure counts credit only in seat-time, not the attainment of competencies. Adult education programs have made investments in competency-based adult high school diploma programs. In addition, training providers are now offering an increasing number of competency-based postsecondary education options, some through experimental sites sponsored by ED. Measurable skill gains should include documented attainment of competencies to stay abreast of innovative educational practices. Second, CLASP suggests creating two separate measures by splitting secondary from post-secondary education. If kept together, the measure would be unclear and imprecise. For example, the measure would not distinguish whether all high school students were achieving a skill gain, but no college students were doing so, or vice-versa. How would a program attempt to improve on such a measure without that granular detail? Third, setting the level for this measure of interim progress at 24 credit hours in a community college or university setting represents a very substantial skill gain, one that may be well out of reach for under-prepared students. Research on “momentum points” used in Washington State indicates that achieving empirically identified momentum points can help students reach more significant milestones.¹ A number of states are using momentum points in their postsecondary system as interim measures of progress. CLASP suggests creating an additional measure representing one half of one academic year (one semester or 12 credit hours), which is one of the momentum points identified in the research.

The Training Milestone, the fourth sub-measure, is described as “Satisfactory or better progress report, toward established milestones from an employer/training provider who is providing training.” This description includes training providers, where the corresponding description from the Joint DOL/ED Notice of Proposed Rule Making [RIN 1205-AB74] referred only to employers. The Departments should clarify whether “employer/training provider” means “employer-training provider” (suggesting the training provider must be an employer) as opposed to “employer or training provider.” If training providers are intended to be included in this sub-measure, we are concerned that programs of short duration or low intensity would be allowed to record a measurable skill gain, even though interim progress in (as opposed to completion of) such short or less intensive programs would represent a very small gain compared to other sub-measures, like one educational functioning level or a high school diploma or equivalent. Further, who determines what is “satisfactory progress” in a training program?

Fifth, the Skills Progression sub-measure description is imprecise, with its meaning obscured by unclear wording that has two dependent clauses connected only by a comma. It reads: “Successful completion of an exam that is required for a particular occupation, progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.” The Departments may want to add “or” between the clauses (after “occupation” and before “progress”), split the two into separate sub-measures, or rewrite it as one new clause that includes the ideas in both existing clauses.

Overall, because the descriptions of the sub-measures do not provide detailed definitions of each sub-measure, additional guidance or reporting instructions will be needed to help states submit uniform, comparable data. At a meeting of state workforce agency leaders, discussion of these sub-measures prompted concern that the states could interpret these descriptions quite differently, leading to measurable skill gains levels that are not comparable across states. Further, reporting instructions should include how to determine the number of participants in each cohort, including those who have not achieved a skill gain in the year.

4. WIOA Priority of Service

CLASP commends DOL (in its DOL-only templates) for continuing to collect data on which participants are recipients of “public assistance,” which WIOA defines as “Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.” This should be collected for all programs in the joint templates, not only Title I.

In the joint PIRL document, it appears that there are not data elements specifically for public benefits recipients. Instead, the Departments are combining recipients of TANF, SNAP, Supplemental Security Income (SSI), and State or local public assistance into a larger group that includes low-income individuals who are not receiving public assistance, which is in line with the definition of “low-income individual” in WIOA, but without providing new data elements for

public benefits recipients. In the PIRL, data element #702, “Low income” has the following definitions/instructions:

Record 1 if the participant is a person who:

(a) Receives, or in the 6 months prior to application to the program has received, or is a member of a family that is receiving or in the past 6 months prior to application to the program has received:

(i) Assistance through the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 USC 2011 et seq.);

(ii) Assistance through the temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 USC 601 et seq.);

(iii) Assistance through the supplemental security income program under Title XVI of the Social Security Act (42 USC 1381); or

(iv) State or local income-based public assistance.

(b) Is in a family with total family income that does not exceed the higher of the poverty line or 70% of the lower living standard income level;

(c) Is a youth who receives, or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.);

(d) Is a foster child on behalf of whom State or local government payments are made;

(e) Is an individual with a disability whose own income is the poverty line but who is a member of a family whose income does not meet this requirement;

(f) Is a homeless individual or a homeless child or youth or runaway youth (see No. 700 of this chart); or

(g) Is a youth living in a high-poverty area.

Record 0 if the individual does not meet the criteria presented above.

Leave blank if this data is not available.

We are very concerned about the proposal to collapse these sub-categories. It is important to collect data on “recipients of public assistance,” since WIOA provides such individuals priority of service in Title I Adult career and training services (Sec. 134(c)(3)(E):

“(E) Priority.--With respect to funds allocated to a local area for adult employment and training activities under paragraph (2)(A) or (3) of section 133(b), priority shall be given *to recipients of public assistance*, other low-income individuals, and individuals who are basic skills deficient for receipt of career services described in paragraph (2)(A)(xii) and training services....” (emphasis added).

CLASP’s concern is three-fold: 1) the Department and the public should be able to track services for each of the targeted priority of service populations separately, in order to monitor the extent of state and local implementation of this priority, and 2) programs and providers would benefit from awareness of the other federal assistance programs in which their participants are enrolled, and 3) evaluators should know if individuals are in multiple programs.

We suggest the data for “low income” should be disaggregatable at least by the four subcategories of benefits programs. This way, “recipients of public benefits” could be created by

combining (ii) TANF recipients with (iv) recipients of state and local assistance. Programs, providers, and ultimately evaluators, would then also know which other programs their participants are accessing.

This could be done by creating four new data elements, or by changing the “Low Income” data element from a (0/1) indicator to a field with multiple code values representing the other programs in which the individuals are enrolled. There may be other methods you are aware of that would meet the same goal.

We recognize the balance between collecting better information and reducing reporting burden. In this case, it is critically important to obtain information on the other benefits programs accessed by WIOA participants.

5. Types of Credentials

CLASP recommends that the Departments 1) add certifications to the list of Types of Recognized Credentials and 2) provide guidance on what does and does not qualify as an “other recognized diploma, degree, or certificate.”

Under WIA, but before [TGEL 15-10](#), there was originally not enough guidance about what counted as a credential, and so a large portion of participants were reported as receiving a credential. Once the target for the performance measure was set at a high level, nearly anything was counted as a credential. As a result, the measure ultimately became one with very little meaning and was not included in WIA common measures.

The category “other recognized diploma, degree, or certificate” is even broader than “credential,” and therefore, without strong guidance about what can and cannot be included, the WIOA credential attainment measure could suffer the same fate as the WIA measure. The Departments should provide guidance on what constitutes an “other recognized diploma, degree, or certificate.”

6. Title II Reporting

We share the concerns of the Workforce Data Quality Campaign about the proposal that states will not report individual Title II program data to the U.S. Department of Education. Reporting only aggregate data to the federal government will reduce transparency, accuracy and consistency of state data. It will also limit the Departments’ ability to develop the statistical models required for setting performance targets and will increase program costs since each state will be expected to develop their own programming to produce the Annual State Report to submit the aggregate values, rather than simply submitting the data to ED and letting them produce the results using a common program they develop.

Thank you again for the opportunity to provide comments. Please contact me at acielski@clasp.org or 202-906-8019 with any questions.

Sincerely,

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ⁱ D. Timothy Leinbach and Davis Jenkins (2008) “Using Longitudinal Data to Increase Community College Student Success: A Guide to Measuring Milestone and Momentum Point Attainment” Community College Research Center, <http://ccrc.tc.columbia.edu/media/k2/attachments/longitudinal-data-momentum-point-research-tool.pdf>