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Office of Management and Budget
OMB Desk Officer for DOL-ETA
Room 10
235 17th St NW
Washington, DC 20503

Submitted via email to OIRA_submission@omb.eop.gov

RE: Workforce Innovation and Opportunity Act Common Performance Reporting (OMB ICR Reference Number 201604–1205–002)

Thank you for the opportunity to provide comments concerning the Information Collection Request (ICR) on the Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting (OMB ICR Reference Number 201604–1205–002).

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

CLASP is pleased that the Departments of Labor and Education (“Departments”) agreed with some of CLASP’s comments from the 60-day comment period, but we are dismayed at a new addition to the updated version of the ICR: the statement that WIOA title II programs will only be able to use Education Functioning Level (EFL) as a Measurable Skill Gain, when the other core programs will be able to use all five types of Measurable Skill Gains identified by the Departments in the joint Measurable Skill Gains Report Template (Appendix C) and the joint WIOA Participant Individual Record Layout (PIRL) (Appendix F – ETA 9170). We cover this in more detail beginning on page 2. Overall, our comments cover three topics: 1) credential attainment rate, 2) measurable skill gains, and 3) certification.

1. Credential Attainment Rate

CLASP is disappointed that the Departments chose to define credential attainment rate in a way that will provide disincentives for programs to place low-income or lower-skilled participants into education and training. By deciding that the denominator of the credential attainment rate will include only those in education and training, programs will have no incentives to take a chance on individuals with barriers to employment because by placing such individuals in training, the program may risk a lower attainment rate. In the face of this disincentive, programs will likely limit the number of participants they place in education and training to reduce this risk. This is not the intent of the law, nor the letter of the law, which reads:

*“(IV) the percentage of **program participants** who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent during participation in or within one year after exiting from the program” [WIOA Sec. 116(b)(2)(IV)].*

The Departments’ response uses circular logic to support the decision to not use the statutory description of the credential attainment rate. They note that “the indicator focuses on participants who are enrolled in an education or training program, because the purpose of the indicator is to measure related to attainment of these credentials; therefore, it would not be reasonable to measure credential attainment against a universe that includes other individuals...” To the contrary, the clear intent of the statute is for the term “program participants” to refer to participants in a WIOA program (e.g., title I-b-adult, title II, title IV, etc.), not merely participants in the training component of a program.

2. Measurable Skill Gains

a. Creaming and tracking not allowed

We praise the Departments for emphasizing that programs may not cream or track participants, where creaming means focusing service on those most likely to succeed, and tracking means selectively enrolling participants in easier-to-complete programs that are not in the best interest of the participants. Appendix C, in response to a rejected suggestion that the Departments may weigh indicators based on degree of program difficulty, states “the Departments emphasize that programs may not purposely attempt to focus services on individuals perceived as more likely to obtain a positive outcome, or selectively enroll participants in programs in which positive outcomes of these indicators are perceived as more likely where such enrollment is not in the best interest of the participants.” We wholeheartedly agree and strongly urge the Departments to issue guidance to this effect and provide technical assistance so that states and local areas understand and adhere to this important principle. Creaming and tracking practices place unfair limitations on the services offered to individuals with barriers to employment, in direct conflict with WIOA’s focus on serving individuals with barriers.

b. Postsecondary transcript gain type changed from one academic year to one semester

We applaud the Departments for recognizing that a transcript for 24 credit hours over one academic year is too onerous for a measurable skill gain and changing the postsecondary transcript gain type to a minimum of 12 hours per semester or equivalent, which shows a participant is achieving the State unit’s policies for academic standards.

c. Interim measure of progress

CLASP is very pleased to see the Departments emphasizing CLASP’s interpretation that “the measurable skill gains indicator is intended to measure interim progress toward a credential or employment.” Measuring interim progress is an important way to incentivize services for individuals with barriers to employment, by recognizing milestones along the way for individuals who may take longer to achieve the goals of credential attainment and employment.

d. *Title II and Limiting Measureable Skill Gains to EFLs*

CLASP is dismayed at the revised ICR’s newly-announced policy decision regarding the types of Measurable Skill Gains (MSG) that title II partners can “count” for performance measurement under the Workforce Innovation and Opportunity Act (WIOA). CLASP urges OMB to allow title II programs to utilize all five types of measurable skill gains that are available to other WIOA core programs

Specifically, Appendix A states that “The title II program will limit the use of the types of gains that may be used in title II reporting to ‘achievement of at least one educational functioning level’” and elsewhere in this same section it is noted that this limitation will be included in forthcoming program-specific guidance from OCTAE.

A hallmark of WIOA is creating an integrated system, one where each core program can work in alignment with the others because all are working toward the same goals. Allowing title I and title II programs to share the same Measurable Skill Gains indicators as participant milestones would help these core partners to jointly articulate career pathways. The Departments’ decision to limit title II programs’ use of MSG to a single type of gain (educational functioning level) threatens to leave title II out of such creative, aligned partnerships. This decision is not required by the WIOA statute and represents an unfortunate step back from the promise of career pathways that include basic skills education – a promise that has been strongly embraced by this Administration, most recently in a new joint [Dear Colleague](#) letter from OMB, the National Economic Council, and twelve federal agencies that encourages career pathways, including programs that leverage Adult Education.

WIOA promotes the innovations developed by adult basic education providers across the country who, for the past decade under federally funded and philanthropy-driven initiatives, have built:

- Bridge programs that include knowledge-based exams for technical and occupational skills;
- Competency-based high school equivalency programs for out of school youth and adults that build secondary academic units; and
- Integrated education and training (IET) models to support achievement of postsecondary academic units.

Specific examples of current practice are instructive on this point. Each of the types of skill gains for which title II would not be allowed to report is being used in current innovative practices that helped set the stage for WIOA. Restriction to EFLs would make current practice more difficult and would create disincentives for further innovation or for replicating these models in the future. See examples of current practice in the table below.

Non-EFL type of measurable skill gains	Current innovative practice which should be recognized by all partners, <i>including</i> title II, through reporting of non-EFL skill gains
Attainment of a high school diploma or its equivalent	<p>CONTEXTUALIZED HIGH SCHOOL EQUIVALENCY PROGRAMS</p> <p>LaGuardia Community College’s Bridge to Health and Business Program was designed to better prepare individuals to pass the GED exam and continue in college and training programs. MDRC’s independent evaluation found that participants in this type of contextualized GED program were “far more likely to have completed the course, passed the GED exam, and enrolled in college than students in a more traditional GED preparation course.”</p> <p>Moving the focus of final outcome from high school equivalency award to postsecondary credential is incentivized by setting GED attainment as an interim milestone that should be reported as a measureable skill gain.</p>
Transcript or report card for either secondary or post-secondary education that shows a participant is achieving the state unit's academic standards	<p>ROCHESTER MEDICAL CAREERS FASTTRAC PATHWAY</p> <p>Hawthorne School for Adults in Rochester, Minnesota now transcripts academic credit in partnership with the Rochester Community and Technical College for adults training in allied and supportive health career programs. Dual enrollment strategies for high school students are proliferating because of their positive impact on postsecondary transition and success. Adult education learners can benefit from this strategy as well, and reporting academic credit attainment as a measurable skill gain would create an incentive for more adult education programs to build articulation agreements with their postsecondary partners.</p>
Satisfactory or better progress report towards established milestones from an employer/training provider who is providing training (e.g., completion of on-the-job training, completion of one year of an apprenticeship program, etc.)	<p>INCUMBENT WORKER TRAINING PROGRAMS</p> <p>Local workforce development boards build training solutions for regional employers. For instance, GNP Company is a Minnesota food processing company that employs more 600 production workers who are majority non-native English speakers. Through partnership with adult education, GNP has established a solid, sustainable English language training program for employees. With this foundation, GNP has also started offering a Production Technician certification program, combining adult education and postsecondary education in an integrated education and training (IET) model. The title II program should be able to report on the progress made by these working learners through the use of a measurable skill gain that responds to the milestones for improvement that the employer sets as goals for its employees.</p>
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 a knowledge-based exam.	<p>ADULT EDUCATION BRIDGE PROGRAMS</p> <p>The Welding Bridge program in Wisconsin was offered in multiple technical college districts– Gateway, Milwaukee Area, Moraine Park, and Waukesha – integrating welding with soft skills and basic skills instruction. Students were awarded the first of three stackable welding certificates that are components of the Welding Technical Diploma and Associate Degree. Allowing all the partners operating this model to report on the same technical skills attainment as a measurable skill gain will help cement partnerships between adult education and career & technical education partners. The Welding Bridge program is a part of the Wisconsin RISE Initiative, which helps adult educators and postsecondary institutions form partnerships to align adult education, job training, and other postsecondary occupational certificate and degree programs.</p>

With the limitation on the use of measurable skills gains to report solely on educational functioning levels, title II partners will not be able to lend their expertise in building foundational skills within industry-valued occupational skills. Instead, title II programs will be forced to be the one WIOA partner that must insist on a standardized academic testing model that treats adult education participants only as basic learners and ignores their larger role as workers, college students, and community members. This raises an unnecessary barrier to cross-program alignment on IET programs that blend WIOA title I funds for occupational training and WIOA title II funds for contextualized basic skills education bridge programs; participants in such a program will now have to demonstrate measurable skill gains in two different ways, with one type of gain reported for the title I funding stream and another for title II.

Since WIOA's passage, CLASP has widely promoted the potential of an expanded and shared Measurable Skill Gain indicator as a key tool for adult education providers to showcase their holistic skill-building capacity—and we have received enthusiastic responses from adult education practitioners and youth development and workforce leaders who are eager to build partnerships enabled by this shared measure. CLASP urges OMB to reconsider the limitation on available types of measurable skill gains for programs serving adult education participants, so as to restore the workforce development redesigns that CLASP and the administration so eagerly support.

3. Certification

Thank you to the Departments for adding “certifications” to the list of Types of Recognized Credentials, as we suggested.

Thank you for the opportunity to provide comments. Please do not hesitate to contact us with any questions.

Sincerely,

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