

**Summary of Public Comments on  
Proposed Extension of Information Collection for  
Measuring Educational Gain in the National Reporting System for Adult Education  
(OMB 1830-0567)  
Docket ED-2023-SCC-0034**

On February 22, 2023, the Department of Education (Department) published a notice in the Federal Register inviting comments by April 24, 2023, on the proposed extension without change of the currently approved information collection request (ICR) for *Measuring Educational Gain in the National Reporting System for Adult Education*. This ICR implements the provisions of title 34 of the Code of Federal Regulations (CFR) part 462 Subpart B which establishes procedures the Secretary uses when considering the suitability of tests for use in the National Reporting System (NRS). Consistent with these regulations, the information collected under this ICR is used by the Secretary to review the suitability of assessments submitted by test publishers for measuring educational functioning level gain by pre- and post-testing, for purposes of performance accountability under section 212 of the Workforce Innovation and Opportunity Act (WIOA). This ICR does not establish performance accountability requirements under the NRS for adult education or implement the collection and reporting of program performance or participant demographic data.

The Department received 54 comments in response to the notice. The Department reviewed each of the comments and provided responses. A summary and discussion of the comments on the proposed extension of the ICR is provided.

**Comment:** Several comments were submitted conveying concerns about the NRS's ability to capture the full scope of the services that adult education programs provide and the number of individuals served as well as the skills gained by adult education learners. Additionally, several commenters expressed concern about certain limitations of the NRS as it does not allow for tracking of certain skill gains, such as digital literacy and financial literacy. The commenters pointed to the requirement that individuals receive 12 hours of services in order to be counted as a participant as a weakness in the NRS.

**Discussion:** We appreciate the comments on these topics and understand the challenges they illustrate. However, because these topics are addressed by other information collections or regulated by the joint rule in 34 CFR Part 463 Subpart I, they are beyond the purview of this information collection cannot be addressed in this context.

**Change:** No change.

**Comment:** Several commenters stated the NRS does not adequately track marginalized populations, such as individuals with disabilities, people of color, and those with low incomes.

**Discussion:** These issues covered by these comments are regulated by joint rule or addressed by other information collections and thus are beyond the purview and purpose of

this information collection. However, we would like to note that the joint *Statewide Performance Report* (approved under OMB control number 1205-0526) submitted by each state provides data on participant demographics and program performance disaggregated by sex, age, race/ethnicity, and 11 barriers to employment, as defined in WIOA section 3 (24) and required for annual reporting in WIOA section 116(d)(2)(B).

Change: No change.

Comment: Several commenters mentioned the burden of cost and resources to assess students in adult education programs. One commenter stated that the attainment of an educational gain through testing places an undue burden on both students and adult education program staff and does not reflect progress that may be gained outside of the required reporting.

Discussion: We appreciate and understand the concerns raised in these comments. However, these issues are beyond the purview of this information collection which is designed to carry out the assessment review application process referenced in 34 CFR 462.10(b). Comments about regulations or other information collections cannot be addressed in the context of this information collection.

Change: No change.

Comment: Several commenters mentioned the assessments that are currently approved for use in the NRS. They stated that the length of time required to administer the tests and the difficulty of the assessments are burdensome, expensive, and discouraging for students, without accurately reflecting the students' level or progress. A few commenters asserted that standardized testing is a barrier to student participation and the questions in assessments are outdated or expressed concern about bias or other problems with the content of testing questions. Several commenters recommended new assessments that assess digital literacy skills because they are life skills that are critical for students to be effective in communities. One commenter cited research demonstrating that standardized testing systems to measure student progress are generally poor indicators of student success. Two commenters said that current NRS assessments do not provide information for instructors that help identify areas to focus instruction for future progress. One commenter recommended that there be an NRS assessment that was aligned to a math high school equivalency (HSE) test, because the current assessment is not reflective of a student's ability to pass the HSE test. One commenter expressed concerns that the current assessments do not consider factors that contribute to test performance, such as undiagnosed disabilities, trauma, lack of familiarity with computers or assessment or other socioeconomic systems. One commenter stated that a scaled score progression on an assessment should be included as an indicator to better reflect the actual progress a student may be making. One commenter indicated the description of the educational functioning level 1 for ESL students does not differentiate between those that have no or minimal

literacy in their first language from those that do. The commenter stated that there is a need for assessments that measure the progress of ESL students' foundational literacy skills to provide an accurate assessment to those students and to allow them to meet level gain requirements that ensure continued access to English language instruction. One commenter expressed concern about barriers in the NRS system that exclude participants, especially the minimum instructional hours requirement between pre- and post-tests. The commenter wrote that a student receiving services and making gains may leave prior to the post-test and count negatively against an adult education program, even if that student has earned a credential successfully that will result in a pay raise.

**Discussion:** Each year, we publish a notice in the Federal Register inviting publishers to submit tests for a determination of suitability for use in the NRS. The assessment process described in 34 CFR Part 462 Subpart B is open to all test publishers who wish to submit a test for review. While we welcome the submission of new and innovative tests, the Department cannot determine or anticipate the types of tests submitted for review. All submissions are reviewed in accordance with the criteria and requirements articulated in 34 CFR 462.13. When the Department receives an application from a test publisher, experts are selected in the field of educational testing and assessment who possess appropriate advanced degrees and experience in test development or psychometric research, or both, to advise the Department on the extent to which a test meets the criteria and requirements in 34 CFR 462.13. The Department does not determine the cost of tests, the length of time required for assessment administration, the time required between pre- and post-testing, or other aspects of assessment development and maintenance.

We recognize that students may face a multiplicity barriers to participating in adult education and availing themselves of the many beneficial services that are offered. Programs are encouraged to help students address these barriers by providing supportive services throughout the orientation and enrollment process and developing innovative approaches to foster progress and persistence toward successful participant outcomes.

**Change:** No change.

**Comment:** One commenter recommended changes to the demographic information that is reported for participants' race, so that Middle Eastern/North African and other categories that more accurately reflect student identity could be included. The commenter also recommended that the system allow programs to provide a better representation of participant accomplishments while there are enrolled. Several commenters stated the NRS does not capture or include some important achievements by students in adult education programs, such as attainment of a driver's license and citizenship, which do not qualify as a measurable skill gain in the NRS.

- Discussion: Participant demographic data and performance outcomes are not collected or reported through this information collection. Comments about regulations or other information collections cannot be addressed in the context of this information collection.
- Change: No change.
- Comment: One commenter suggested that the Department consider the extent to which there is evidence that the expense and the burden on states and programs that the NRS imposes had led to any program or legislative improvements. The commenter further suggested that, without evidence or study, reforms to the NRS are needed with special consideration to the purpose of the data collected. Additionally, the commenter stated that tracking students' level gains may not capture more important outcomes that reflect acquisition of literacy skills needed for specific work or life contexts, such as being able to access a profile on a hospital portal or engage in teacher-parent communications.
- Discussion: We appreciate and understand the concerns raised by this commenter. However, program performance data and participant outcomes are not collected or reported through this information collection. These topics are beyond the purview of this information collection which is designed to carry out the assessment review application process referenced in 34 CFR 462.10(b). Comments about regulations or other information collections cannot be addressed in the context of this information collection.
- Change: No change.
- Comment: One commenter said that WIOA programs have limited reach because some adults and out-of-school youth do not view employment as a priority and would seek programs in order to meet other goals, including helping school-aged children, managing housing, transportation, and health care, and achieving financial literacy. The commenter believes that a more comprehensive model is needed to support adult learners in work, family, and civic roles.
- Discussion: We appreciate the commenter's thoughts about WIOA implementation. However, these issues are beyond the purview of this information collection which is designed to carry out the assessment review application process referenced in 34 CFR 462.10(b). Comments about regulations or other information collections cannot be addressed in the context of this information collection.
- Change: No change.
- Comment: One commenter said that during the COVID-19 emergency, providers in their state were able to use locally developed assessment tools to demonstrate meaningful progress. The commenter believes that the alternative assessments

resulted in greater accuracy than the NRS assessments and allowed for equity driven approaches.

Discussion: We appreciate the commenter's perspective and support the use of alternative and innovative assessments to track student progress and guide instruction. However, such tests may not be used to report educational gain in the NRS. Consistent with 34 CFR 462.41(a), a local eligible provider must measure the educational gains of students using only tests that the Secretary has determined are suitable for use in the NRS and that the state has identified in its assessment policy.

Change: No change.