

Director of the Information Collection Clearance Division
U.S. Department of Education
400 Maryland Avenue SW
Room 2E-349
Washington, DC 20202-4537

Center for Law and Social Policy (CLASP)
Comments on the National Reporting System (NRS) Information Collection Activity
Docket No.: ED-2016-ICCD-0104
November 22, 2016

With the passage of the Workforce Innovation and Opportunity Act (WIOA) in 2014, the Departments of Education and Labor have worked together to create common performance templates. *In addition* to these templates, state title II programs will also be required to submit data through the National Reporting System (NRS), the existing performance accountability system for title II. Because of changes in WIOA, the Department of Education (ED) has proposed updates to the NRS tables. What follows are CLASP's comment on National Reporting System (NRS) Information Collection Activity - Docket No.: ED-2016-ICCD-0104.

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.

Overall, we are concerned that the proposed NRS reporting system includes reporting requirements and definitions that are inconsistent with the reporting system that is common to all WIOA core programs: the WIOA Statewide and Local Performance Report Template (ETA 9169). The WIOA statute expands the "Common Measures" efforts under WIA, which were taken up unevenly across the states, and establishes a true shared accountability structure for all six core WIOA programs, including title II. However, this vision of shared accountability cannot be fully realized if WIOA title II programs use the NRS as their primary performance accountability reporting mechanism while the other core WIOA programs use ETA 9169. We understand the practicality of using the current two-year transition period for state title II programs to collect data on measures for which they have no pre-existing baselines – but we would hope that ED would work to amend the definitions and measures in the NRS tables to better align with the ETA 9169, so that at the conclusion of this transition period they are completely consistent, and the NRS data collection is simply a more granular subset of information that can be rolled up in summary form for reporting in the ETA 9169. Our

comments below suggest ways to improve the revised NRS with the goal of approaching this future state of consistent alignment.

Measurable Skill Gain in the required WIOA Statewide and Local Performance Report Template (ETA 9169) means something different from Measurable Skill Gain (MSG) in the NRS tables. The purpose of measuring interim skill gains was made explicitly clear in the Managers' Statement by the legislative sponsors when WIOA passed in Congress; the MSG provision was expressly designed to encourage improved services to individuals with low literacy, low English proficiency, or other barriers to employment. In the final WIOA regulations, the Departments of Education and Labor jointly identified five types of measurable skill gains¹ and these five MSG types were defined clearly in the ETA 9169.² As noted in the Departments' comments published with the final regulations, "in order to ensure national comparability of performance data...[d]efining the measurable skill gains indicator to include standardized methods to measure documented progress across programs helps to ensure this comparability." Used across all WIOA titles, measurable skill gain awards interim progress toward outcomes: educational achievement through test, credits, or credential; training milestones; and skills progression. Confusion and contradictory definitions for MSG across WIOA core programs would hamper aligned service models meant to effectively promote individual progress and create efficiencies in the public workforce development system. This is especially true for populations that can benefit from co-enrollment with title II, such as those who are also served by the title I adult, title I out-of-school youth, and/or title IV vocational rehabilitation programs.

The NRS tables need clarity of relationships between Measurable Skill Gain (umbrella term) and Educational Functioning Level (EFL) Gain and Attainment of Secondary School Diploma or its Equivalent (two of five types of Measurable Skill Gain).

Under the Workforce Investment Act, title II programs had one interim progress measure: EFL gain. In the proposed NRS structure under WIOA, EFL is often conflated with MSG, leading to confusion and constraining proven service delivery structures that focus on occupational and technical skill gains. Table 4 describes title II data collection for Measurable Skill Gain, even though only two of five MSGs are being collected, plus one proxy for MSG (Carnegie Units in

¹ 20 CFR 677.155(a)(1)(v)

² The five types of Measurable Skill Gains are 1) Educational Achievement: Achievement of at least one educational functioning level of a participant who is receiving educational instruction below the postsecondary level; 2) High School Diploma or equivalency: Attainment of a secondary school diploma or its equivalent; 3) Post-Secondary Transcript/Report Card: Transcript or report card for either secondary or postsecondary education that shows a participant is achieving the state unit's academic standards; 4) Training Milestone: Satisfactory or better progress report, towards established milestones from and employer/training provider who is providing training (e.g., completion of on-the-job (OJT), completion of one year of an apprenticeship, etc.); and 5) Skills Progression: Successful passage 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.

place of Post-Secondary Transcript/Report Card). We understand that ED has proposed that the other two MSG types (Training Milestone and Skills Progression) will not be used by title II, with the exception of reporting on individuals served through Integrated Education and Training (IET) models. But because Skills Progression is available in IET (See Table 11), Table 4 should not use the term “Measurable Skill Gain” to refer to only three of five types of MSG. In other words, there should be clarity that EFL Gain plus high school diploma or equivalent does not make up the entirety of types of MSG. In general, lack of clarity around the relationships between the definitions of EFL gain, HS diploma, skills progression, and training milestone and the umbrella term MSG will create disincentives for implementation of innovative IET models, and will introduce unneeded uncertainty in the field. Failure to utilize the expanded MSG options will relegate low-skill adults to a system valuing only standardized test gain that has little relevance to their goals as family members, community members, and workers.

In other examples of the inconsistent use of the MSG terms and definitions, table 8 (optional) does not have a footnote defining which types of MSGs can be taken in Adults in Family Literacy Programs. However, there is a note later that explains that MSGs are limited to EFL gains or attained a high school diploma. Tables 9 and 10 present similar situations, where MSG is described as EFL gain or attainment of a secondary school credential. Again, instead of using the umbrella term MSG, if ED continues to limit the types of MSGs, similar clarity would be helpful throughout the NRS tables. Future NRS tables that are fully aligned with reporting for the other WIOA core programs, should include all five MSG types.

Need clarity in Table I between Educational Functioning Level (EFL) (umbrella term) and pre-test level

Table 1, titled “Participants by entering Educational Functioning Level, Ethnicity, and Sex,” conflates EFL with pre-test level. As described in bullet #4 under Table 4, EFL can be measured in one of three ways: 1) by comparing initial EFL as measured by a pre-test with the participant’s EFL compared to a participant’s post-test, or 2) awarding of credits or Carnegie Units, in certain cases, or 3) exiting the program and enrolling in postsecondary education or training during the program year. Given the new three-part definition of EFL gain, every effort should be made to provide clarity that gains measured by comparing pre-test to post-test scores are only one type of EFL. It should also be clear in the title of Table I that it is recording pre-test level, only, not all EFLs.

IET participants are helpfully broken out in all types of programs in Table 3.

In Table 3, each type of program (ABE, ASE, ELS, IELCE) includes a break out of the number of participants in IET programs. We thank the Department for making clear that IET can be used with all four populations and for collecting participant counts for the subsection of participants that are in IET programs. This will encourage title II programs to use the IET model for

populations other than only IELCE, which will help better serve all low-income, low-skilled individuals who can benefit from this instructional model, which is a core component of high-quality career pathways.

EFL Gains without pre-test level should be reportable.

Table 4, “Measurable Skill Gains by Entry Level” requires that every type of gain be listed with its accompanying initial pre-test level. However, because ED guidance includes an expanded definition of EFL gains,³ a pre-test level is not necessary to achieve an EFL gain. For example, a student could come into a program where they earn Carnegie Units and make an EFL gain that way. Additionally, participants in “Workplace Adult Education and Literacy Activities” as defined in Table 6 should have the option to show progress through measurable gains that are related to technical or occupational skills. To make this clear, Table 4 should have an additional row to capture data on participants who have no pre-test level.

Need common definitions or guidelines: transition to postsecondary, Carnegie Units

To ensure consistency of comparisons of data across states, the Department should create common definitions or guidelines for the key terms regarding EFL gains. For example, in Table 4A, “Number with EFL Gains by Carnegie Units/Credits” does not indicate how many credits or provide any guidelines for determining how many units should count for a gain. Without common definitions or guidelines, States could take an EFL gain for a student earning one Carnegie Unit. If that is not the Department’s intent, the NRS tables should include specific definitions or guidelines for what counts as a Carnegie Units EFL gain. Likewise, the term “Transition to Post-Secondary Education” should be further defined. Does developmental education in a postsecondary setting count as postsecondary education? Such a definition could create perverse incentives to move more students to development education, which would be a disservice to individuals who will have little chance of moving into a program of study and may use up their limited semesters of financial aid for course work that will never articulate to a postsecondary award. In the absence of such definitions or guidelines, we are concerned that states will make different decisions, making comparisons across states nearly impossible.

Periods of Participation

The NRS tables themselves provide very little explanation of this new concept which has the potential to create confusion at the state and local levels without much benefit. Does Period of Participation allow an individual to have more than one MSG in a program year? If that’s the intent, isn’t there a way to use the current reporting columns to capture those data? The reason

³ “LEAP Into Workforce Innovation and Opportunity Act (WIOA) Part 1: Preparing for Change.” Page 23. Power point from NRS regional training, for example, <http://www.nrsweb.org/docs/Day-1-Denver-508.pdf>

for instituting periods of participation should be more clearly defined so that its implementation can be consistent and beneficial to low-skill adults.

Postsecondary Credential attainment rate should mirror the statutory measure in WIOA.

In Table 5, “Core Follow-up Outcome Achievements,” includes a row for “Attained a postsecondary credential while enrolled or within one year of exit.” However, the note limits this to participants who were enrolled in IET programs. There is no justification for this limitation, either in the WIOA statute or the final regulations. This measure should be available to anyone participating in Adult Education, not only IET participants.

Integrated Education and Training Outcomes in Table 11

We applaud the Department for including Technical/Occupational Skills Progress as a Core Follow-up measure for individuals in Integrated Education and Training. This measure should be defined to precisely align with the “Skills Progression” type of MSG as defined in the final WIOA regulations. In addition, we urge the Department to add another type of MSG, “Training Milestones,” as an additional row on this table. As proposed, this NRS table is missing only Training Milestones as a type of MSG; if included, it would help align measures for IET programs that are coordinated between title I and title II. Such contextualized programs are an effective intervention for low-income, low-skilled adults and youth. Performance data collection can affect whether or not these high-quality IET programs get built. To create incentives for these cross-program collaborations, when a participant is in such an IET program, both title I and title II programs should be able to report the same outcomes for that one person.

Thank you for the opportunity to comment. Please contact Anna Cielinski at acielinski@clasp.org or Judy Mortrude at jmortrude@clasp.org with questions.