



**Comments on ETA/DOL April 26, 2016 proposed information collection request (ICR)
“Workforce Innovation and Opportunity Act Common Performance Reporting”
Submitted to OMB**

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Overview

OMB review of federal agencies’ data collection procedures under provisions of the Paperwork Reduction Act of 1995 examines respondent burden but also assesses proposed data collection in the context of the uses to be made of the data collected. My comments address two issues ETA/DOL highlights in the NPRM (Federal Register, Vol. 81, No. 80, April 26, p. 24654) regarding OMB concerns, namely:

- “Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility”
- “...the quality, utility, and clarity of the information to be collected”

Having tracked federal employment training policy, adult education, and vocational rehabilitation research and program evaluation for several decades, I am deeply concerned about the national workforce skills development system’s very limited success in effectively responding to the workforce skills development needs of the more than 5 million work-authorized WIOA-eligible immigrant workers in the U.S. labor market who are limited in English and who have only an elementary-level or less than a high school education.¹

Reliable and relevant data are, in contemporary society, an essential foundation for effective organizational management—in both the public and in the private sector. One of several critical steps that ETA/DOL must take in order to build workforce skills development system capacity to adequately serve limited-English/less-educated labor force participants is to modify the Program Performance Reporting requirements for its Title I WIOA-funded programs in order to secure the data necessary to

¹ See Miriam Jordan, “Limited English Limits Job Prospects”, Wall Street Journal, September 24, 2014” for an excellent, brief summary of findings from a study from the Brookings Institution. My estimate of the size of the LEP/less-educated WIOA-eligible workforce draws on the Migration Policy Institute’s analysis by Margie McHugh and Madeleine Morawski, “Immigrants and WIOA Services”, December 2015. See also, Jie Zong and Jeanne Batalova, “Frequently Requested Statistics on Immigrants and Immigration in the United States”, April 14, 2016).



guide, monitor, and accelerate progress in improving service to these underserved groups—system-wide, state by state, and in every labor market.

My comments suggest modifications to DOL’s proposed Program Performance Reporting requirements (Appendix C-Program Performance Template ETA 9173) and to the Participant Data Template (Appendix B-ETA 9172) that would improve ETA/DOL oversight and program improvement in several key areas:

- ***EEO Compliance***--Monitoring programs’, local WIBs’, regional WIBs’, and states’ compliance with nondiscrimination and equal opportunity provisions of WIOA as detailed in ETA/DOL’s NPRM published on January 26, 2016.
- ***Cost-effective monitoring of program access and effectiveness***--Requiring programs to routinely submit adequate detail on demographic and socioeconomic characteristics of clients served which can be used to assess outcomes
- ***Fine-tuning performance adjustment formulas***-- Since labor market dynamics and service populations evolve continuously, and since the impact of different factors on programs’ performance is inadequately understood (due to lack of data, inadequate quality of data, and lack of evaluation research), better data are needed to fairly negotiate performance goals

The Rationale for Program Performance Reporting on Service to Limited-English and Less-educated Immigrant Workers

Ongoing changes in the U.S. labor market profoundly affect ETA/DOL’s overall mission vis-à-vis workplace skills development. At the same time, demographic change is greatly increasing the diversity of the U.S. labor force. ETA/DOL’s ability to assure system compliance with statutory requirements regarding priority of service requires reports of data concerning differential access, utilization, and impact of services for population subgroups. This, in turn, rests on effective analyses of program performance at the individual program, local labor market, state, and national levels for different participant subgroups and types of employers benefitted.

Compliance with WIOA’s statutory requirements regarding priority of service and equal employment opportunity provisions is not feasible without augmented information on the literacy and English-language skills of clients.

While race has historically been a predominant consideration in efforts to address social and economic disparities (by assuring equal employment opportunity in a wide range of contexts), contemporary



research suggests that observable patterns of racial disparities in income are mediated by workers' underlying education/workplace skills more than by racial discrimination *per se*.²

Monitoring of access to and service to WIOA clients based only on racial characteristics does not suffice to guarantee equity in the contemporary labor market because there continue to be stark ethnic disparities in level/quality of workers' "foundation skills" within each racial group as well as between groups.

For immigrants, the disparities stem largely from lack of access to basic education opportunities while they were growing up. But for both immigrants and native-born workers, the factors which shape employment opportunities and outcomes are more complex. They cannot simply be explained via analysis of racial disparities. The WIOA statute takes this into account in its provisions regarding priority of service. ETA/DOL needs to squarely confront the challenge of implementing the statute's requirements regarding priority of service; an essential tool in such efforts is, necessarily, improved information from Program Performance Reports.³

High Stakes for Both Participants and Employers

Constantly-escalating employer expectations regarding the workforce skills needed in a broad range of industries and occupational clusters have been well-documented as early as 1992 in DOL's SCANS report. Early analyses of the National Adult Literacy Survey (NALS) and, subsequently, reports based on the National Assessment of Adult Literacy (NAAL), and most recently a 2014 analysis of U.S. PIAAC data from OECD, make it clear that workplace success rests on workers' underlying analytic and communication competencies as well as occupation-specific skills. Review of ETA/DOL's analyses of occupational requirements in O*Net, as well as its carefully-constructed Industry Competency Models make this clear. Economic advancement opportunities for less-educated/limited English work-authorized workers, many but not all of whom are long-term settled immigrants, rest on equitable access to relevant and effective WIOA-funded training.⁴

Consequently, in the context of the 21st century U.S. labor market, effective implementation of WIOA-funded workforce skills development programs requires careful attention to equitable access, quality of services provided, and program outcomes for WIOA-eligible individuals who are limited in English

² David H. Autor, "Skills, education, and the rise of earnings inequality among the "other 99 percent", *Science* 344, 843 (2014)

³ Comments submitted by the National Skills Coalition in 2015 highlighted the issue of implementing priority of service provisions and, also discussed issues which emerge in considering how coordination between programs funded under Title I and Title II (or both) might be improved—a key consideration in broad policy efforts to rationalize, streamline, and facilitate participant navigation through the workforce skills development system. See NSC, "Comments on the WIOA Notices of Proposed Rulemaking Relating to Immigrants and Limited-English Individuals", June 2015

⁴ See CareerOneStop.org and careeronestop.org/competencymodel/eta_industry_competency_initiative.aspx



and/or low-literate. To accomplish this it is necessary to secure and report adequate and appropriate data to validly assess program performance—at the program, local, state, and national level.

The stakes are high—not only for prospective participants in WIOA-funded programs who are limited in English and/or educationally disadvantaged, but for their employers too. Foreign-born workers make up about 17% of the U.S. labor force and in some states, for example California, even more.⁵ About one-third have less than a high school education or are limited in literacy, and are limited in English. Although most second-generation immigrants, the U.S.-born children of immigrant parents are English-proficient, a significant minority in this population too are limited in English (making up almost one-fifth of the entire limited-English population in the U.S.). Many in this population, especially Mexican-American youth, are less likely to have transitioned from high school to college, suggesting a high level of need for access to WIOA-funded non-college skills development opportunities.⁶

If ETA/DOL is to fulfill its mission to help ensure a quality workforce for US industry and its statutory responsibilities to assure priority of service for the most disadvantaged clients and nondiscrimination based on language and national origin, the program performance reporting template (Appendix C, ETA-9173) must include details on English-language proficiency, and educational attainment (or ideally, underlying literacy/numeracy) of program participants.

There is an extensive research showing how high the stakes are for less-educated WIOA-eligible limited-English immigrants taking their first steps toward integration into U.S. society. They need structured learning opportunities to develop the workplace skills to thrive in our contemporary 21st century workplace where employers constantly demand higher communication and analytic problem-solving skills. Easy access to responsive and appropriate workforce skills development is essential for their immediate and long-term economic well-being. Economic stability and advancement, in turn, enhances educational opportunities for their children and makes it possible to become increasingly involved in civic life.

ETA/DOL has sponsored insightful analysis of literacy/numeracy as another critical factor in immigrant (and native-born) workers' labor market experience and career trajectories, using NALS and NAAL data to analyze the relationship between literacy and employment.⁷

⁵ Abraham Mosisa, “Foreign-born workers in the U.S. Labor Force”, Bureau of Labor Statistics, July, 2013.

⁶ See “Intergenerational Assimilation Patterns of Mexican American Students”, in Bryant Jensen and Adam Sawyer (Eds.), *Regarding Education*, Teachers College Press, 2013. The factors affecting the educational experiences and English-language development of US-born children growing up in immigrant-headed households are complex but suggest that issues of functional literacy in English should be considered carefully in workforce skills development.

⁷ See, for example, Bruno, Lee, Ying Jin, and Dwayne Norris. “Building Career Ladders for the Working Poor through Literacy Training.” Washington, DC: American Institute for Research, 2010a. This is one of a series of excellent analyses and underscores the utility of adequately detailed data on participant characteristics to inform program design. This report and others in the series (available on the ETA research publications website) have important implications not only for adult programs under Title I but, also, for youth programs and dislocated worker programs, as well as Title II adult education programs. An excellent earlier analysis, based on NALS data is Irwin Kirsch and Ann Jungeblut, “Profiling the Literacy Proficiencies of the JTPA and ES/UI populations: Final Report to the Department of Labor”, Educational Testing Service,



Census Bureau research, looking specifically at the question of language and communication ability, shows that immigrants' English-language competency is very strongly correlated with earnings.⁸ The fundamental problem for immigrants is that limited-English and limited literacy (coupled with limited digital literacy) constrain not only their current employability, but also their long-term ability to navigate and move onward and upward in the contemporary U.S. labor market where economic stability requires both horizontal occupational migration and ongoing acquisition of new workplace-relevant skills.

Adequate detail in program-level reporting on characteristics of participants served is needed not only to guide program improvement in Title I-funded "mainstream" adult program services, but also in programs to respond to the needs of workers potentially dislocated by technological innovation and escalating skills demand (e.g. middle-aged workers with particularly low levels of educational attainment).

21st Century Data-Driven Analysis for Program Management?

The April 26 NPRM is not clear as to whether ETA/DOL expects that Program Performance Reports are to be submitted as a summary analysis of the dataset on participants generated by each program, or simply as tabulation of individuals served in different categories.

The backup documentation in the template regarding definitions and details on reporting requirements makes reference to reporting "cells" in the Program Performance Template and specifies that the data submission is to consist of "counts of unique records" of individuals conforming to the specifications (e.g. male participants receiving individualized career services). This would be problematic if it suggests that all that's required is summary tabulation. The underlying individual participant data records (stripped of individually identifying information) are necessary as a basis for effective monitoring as well as to permit auditing/verification of information summarized in the Program Performance Report.

21st century WIOA program performance reporting should not simply consist of a "flat" tabulation on a cell-by-cell or variable-by-variable basis but, rather, be a summary based on individual participant records (with individually identifying information deleted), submitted along with the underlying dataset. This is necessary both to assure integrity of reporting and to facilitate deeper analysis of patterns of program performance as part of ETA/DOL's monitoring of program accountability. While ETA/DOL's OMB proposed reporting formats are referenced primarily to its own data needs, it is important to note, also, that programs almost universally configure their own MIS and analyses to conform to "top-down" guidance. Enhanced ETA/DOL requirements for program reporting can have

September, 1992.

⁸ Jennifer Cheesman-Day and Hyon B. Shin, "How Does Ability to Speak English Affect Earnings?", presentation to annual meeting of the American Population Association, 2005.



positive ripple effects in nudging local programs and states toward more thorough, insightful analysis of their own performance.

If the Program Performance Reporting requirements were to be re-framed as representing a mandated analytic format for periodic summary reporting which draws on underlying program participant data, a revised and enriched Program Performance Report format would add only negligible data collection burden to programs (since they already collect the individual participant data in any case). These revised specifications for data submission would greatly enhance ETA/DOL's ability to:⁹

- cost-effectively monitor states', WIBs', and programs' performance,
- track compliance with non-discrimination and equal opportunity provisions
- implement formative and summative evaluations

As currently proposed, the "flat file" matrix for Program Performance Reporting format inevitably leads to performance monitoring based on program throughput rather than on equitable service to different service populations or quality outcomes. This is a dis-service to both employers and program participants since each has a legitimate interest in the actual "value-added" impact of WIOA-funded programs.

Enhanced Reporting as a Crucial Resource for Data-driven, Analytic and Strategic Decision-making at the WIB, State, and National levels

It is generally understood that for the purposes of monitoring program performance, summary reporting by programs can and should be less detailed than data collected for the purposes of in-depth program evaluation. However, the proposed Program Performance Reporting format, even if meant as a "dashboard" for program management, is inadequate to effectively monitor and guide a huge national service delivery system (about \$3.4 billion in the Employment and Training account for FY16 in DOL's budget request).

Unless its monitoring process can be used to provide a robust overall picture of quality of services provided to and outcomes for different sub-populations, ETA/DOL's ability to carry out its oversight of program accountability is only "window dressing" (since evaluation research has, over the years, shown clearly that there are consistently some sub-populations who are better served than others). The recurrent and responsible evaluation research question as to "what works best for whom (and where)" can only be answered adequately when there is a monitoring framework which can be used to guide in-depth "spot" evaluations (e.g. by providing a methodological framework for stratified sampling).

⁹ Requiring programs to submit complete files of anonymized participant data along with Program Performance Report summaries makes it possible for ETA/DOL to cost-effectively conduct desk audits of diverse aspects of program performance (responding to newly-recognized performance issues which emerge). It also provides a better sampling frame for designing and implementing targeted in-depth evaluation activities.



At the very least, the summary Program Performance format needs to include breakouts detailing the services received and outcomes for, at least, the following additional sub-populations of participants:

- participants that are limited-English and have less-than HS/GED,
- participants that are just limited in English
- participants that are just limited in foundation skills/literacy

A relevant data element (804—“Low levels of literacy/basic skills deficient at program entry”) is already available in the Participant data record template (Appendix B-ETA 9172) but it is not currently required in the Program Reporting Format (Appendix C-ETA 9173) for monitoring program performance. This data element on participant characteristics—currently thrown into the catch-all category of “additional reportable characteristics” (**Section A.07**)—should actually be part of the Equal Employment Opportunity series of data elements (**Section A.02**). This is a critical element in ETA/DOL’s compliance with its responsibilities in compliance with Title VI civil rights law as discussed at length in its NPRM of January 26, 2016, on Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act). My subsequent comments include technical suggestions about how to better specify this critical data element with modifications to the Participant data template which would not result in significant additional reporting burden.

Understanding the Relationship between Participant Characteristics and Program Outcomes

The most powerful and practically useful analyses rest on at least cross-tabulations of variables representing different participant characteristics and, ideally, also would include regression analyses and more sophisticated statistical review of program performance. ETA/DOL, while not explicitly mandated to do so, should proactively take on the role of nurturing more detailed and more reliable analysis and informed discussion of program performance at the local and state levels. Having such analyses is critically important for stakeholders—including local employers, employer associations, policymakers, institutional service providers, and a wide range of collaborating entities, and, of course, for program participants themselves.

Without such analyses to support preparation of organizational “report cards” at the local, regional, state, or national level, public engagement in performance accountability becomes meaningless. If ETA/DOL fails to provide the data framework for such analyses at the local and state level, provisions regarding stakeholder input to service delivery are greatly weakened. It is reasonable to believe that improved local-area analysis would, or at least could, enhance the quality and utility of local discussion, stakeholder input, and involvement.



Monitoring Immigrant Workers' Access to Services in WIOA-funded Programs

Foreign-born workers make up a substantial portion (25-26 million persons or around 17%) of the U.S. labor force in 2015¹⁰ and are particularly important to the economic well-being of states with higher-than-average concentrations of immigrants¹¹. Moreover, although some mistakenly believe that the immigrant workforce is predominantly undocumented, the reality is that more than two-thirds of foreign-born workers are actually employment-authorized (i.e. they are naturalized citizens, legal permanent residents, DACA recipients, asylees and others who are work-authorized).¹² About half of them are limited in English.

An imperfect but useful proxy for assessing equitable access to this population by the workforce skills development system is the number of limited-English proficiency (LEP) individuals served (although the cross-tabulation of numbers who are limited in English and low-literate is lacking). Using even the imperfect proxy, (LEP), available in the current reporting system yields clear-cut evidence that this subgroup is dramatically underserved.¹³ As noted in comments submitted by 12 immigrant service and advocacy organizations in response to DOL's January 26 NPRM on Implementation of the Nondiscrimination and Equal Opportunity Provisions of WIOA, the LEP population served under WIA Title I in PY2013 made up only 1.5% of the overall workforce skills development service population, although LEP individuals make up 32% of the less-educated population over 19 in the U.S.¹⁴

Unfortunately, because of the data elements in the reporting format under WIA, although it is clear, that current workforce skills development system has underserved WIOA-eligible immigrants, neither the general public, stakeholders, nor policymakers can tell, based on the PY2013 performance report, the proportion of WIA clients who were limited-English and who had less than a high school education. This needs to be changed to be able to test strategies for improving the access to and impacts of quality services.

¹⁰ See Bureau of Labor Statistics news release (USDL-16-0989), May 19, 2016. The previously-referenced BLS estimates for 2012 and this 2015 estimate are similar. Here, it deserves note that access to WIOA-funded programs might well not only positively impact immigrant workers' hourly earnings, but also their labor force participation, and access to full-time work.

¹¹ The Pew Charitable trusts has developed an online interactive tool providing state-by-state information on immigrants in the labor force ("Immigrants in the Workforce State-by-State and Industry by Industry")

¹² Based on summary statistical overview of the U.S. immigration population by Jie Zong and Jeanne Batalova, Migration Policy Institute, updated April 27, 2016.

¹³ As might be expected, about 80% of the overall U.S. limited-English population are immigrants and about 20% are U.S.-born.

¹⁴ Public Policy Institute estimates suggest that about 27% of the California workforce consists of work-authorized immigrants, implying that about 13% of the state's work-authorized labor force are LEP while PY2013 WIA data show that only 4% of WIA clients were LEP and only 9% or so had less than a high school education. Because Mexican and Central American immigrants have particularly low levels of education, even the imperfect data (without a breakout of those who are LEP and have less than a HS education) show serious de facto discrimination based on language and/or national origin.



Assessing Quality and Appropriateness of Services Provided to Immigrants

In addition to concerns regarding access to program services, ETA/DOL’s proposed regulations meant to prohibit discrimination against individuals based on language raise many questions regarding programs’ responsibilities for making reasonable provisions to assure LEP individuals not only have access to WIOA-funded programs, but also are served appropriately and effectively.

Better outreach in languages other than English may, for example, be useful in improving LEP individuals’ awareness of WIOA-funded services and increase demand, but barriers also exist in the one-stop centers (which, due to extensive use of information technology and online resources are likely to discriminate particularly severely against low-literate limited-English clients). Similar barriers are likely to exist in the intake process. Moreover, it is possible that in the intake process, procedures for steering clients to specific service/program options, and/or development of individual service plans, result in less access to core/intensive services by immigrants or yield only referrals to inappropriate or ineffective services. Responsible oversight requires that these patterns be tracked and investigated and improved Program Performance reporting data are required to do this.

Constructing a Satisfactory Data Element on Participant Language Ability

The binary variable ELL/not-ELL (English language learner, i.e. LEP, limited-English proficient) is inadequate to assess effective/quality service—because it is possible (and likely) that service equity rests not only on individuals’ having English-language limitations, but also on the extent and type of those limitations.

It is critical to recognize that language limitations exist in different domains of language use—in oral English, English-language reading ability, and English-language writing ability.¹⁵ For example, some immigrants whose home country education was conducted in a language with a non-Roman alphabet (e.g. Arabic, Khmer, Mandarin) may have more serious limitations in reading and writing English than those speaking languages that rely on the Roman alphabet.

I suggest that the Participant and Program Reporting formats be modified to specify level of oral English-language ability, using the English-language proficiency scale in the American Community Survey question 14c (i.e. speaks English: very well, well, not well, not at all) and to use the literacy data element to reference three key domains of English-language proficiency (reading, writing, and numeracy). This modification would generate valuable participant data which could be used not simply in monitoring compliance with equal employment opportunity requirements but which, when incorporated in analyses of service provision and outcomes, would, at the same time, yield practical insights for improving program/service design.

¹⁵ Jungeblut and Kirsch’s analysis explains the relevance of each of these dimensions of language in relation to workplace competencies—including, for example, what they call “quantitative” literacy, the ability to read charts, graphs, tables, etc.



This modification is consistent with DOL’s own discussion in the January 26 NPRM of the need to align WIOA’s nondiscrimination/equal opportunity decisions with the court decisions regarding the specific communication context in which language competencies are deployed.

Data Requirements to Grow Workforce Skills Development System Capacity

Given the employment barriers faced by limited-English immigrants, especially those who are less-educated (predominantly immigrants of Mexican or Central American origin), it is reasonable to believe that WIOA-funded service providers may see recruitment of immigrant clients as “risky” and dangerous in terms of expected outcomes. Unless the ETA/DOL data system incorporates data elements indicating national origin, educational attainment, and English-language ability, what I consider the flawed “folk wisdom” hypothesis about the riskiness of seeking to serve immigrants cannot be adequately tested and addressed.

Interestingly, a bibliography commissioned by DOL (Mathematica Policy Research, 2012) listing “special population” research funded by ETA/DOL in the period from 1995-2012 includes only two major studies of programs designed to serve immigrants (“Evaluation of the Limited-English Proficiency and Hispanic Worker Initiative”, Coffey Consulting, 2009 and “Assisting Newcomers through Employment and Support Services: An Evaluation of the New Americans Centers Demonstration Project in Arkansas and Iowa.”, Urban Institute, 2010). The Urban Institute evaluation secured adequate data to show positive outcomes for the newcomers served in Iowa. However, the Coffey Consulting evaluation noted serious limitations in assessing outcomes due to data limitations.

With a reporting system adequate to track outcomes for less-educated/limited-English clients—it might be possible to counter the understandable, but unfounded, assumption that “creaming” is OK. It, in fact, constitutes de facto discrimination against immigrants (e.g. as a result of minimum educational qualifications for enrollment in career-technical education courses or utilization of English-language-only ability-to-benefit tests). Adequate reporting is needed in both pilot/demonstrations such as those noted above and in the field as a whole to support actionable improvements.

ETA/DOL needs to sponsor and rigorously evaluate pilot/demonstration projects to build system capacity to serve immigrants. The utility of such evaluation would be greatly enhanced by standard periodic reporting which includes adequate data elements to assess service to sub-populations among the overall immigrant population. Inclusion of key variables (LEP or not, extent and type of English-language limitation, national origin, and citizenship status-Y/N) in addition to being necessary for oversight to comply with Title VI civil rights provisions could make a tremendous contribution to program design. At the same time, such data would strengthen the reliability of performance adjustment formulas used in negotiating state and local level performance objectives.

Given the clear-cut evidence showing inequitable access to programs and de facto discrimination based on language and/or national origin, it would be reasonable for ETA/DOL to monitor both national and local areas’ and states’ progress toward equitable service to work-authorized



educationally and linguistically disadvantaged immigrant workers. It may take some years to develop system-wide capacity to offer equitable access and service quality to immigrants, but a first step toward enhancing system capacity is to put in place a Program Performance Reporting system which will, at least, provide a basis to measure progress.

Detailed Recommendations:

The Participant and Program Performance Reporting Data Formats

More data (already available in the Participant dataset) needs to be rippled upward to provide more adequate Program Performance Reporting. This is necessary so as to examine program performance, accountability vis-à-vis nondiscrimination and equal opportunity, for proactive program design (formative evaluation), and for refining current performance adjustment formulas.

At the same time, changes are required in the Participant data format (Appendix B) to make it an adequate source to provide appropriate data as validation for Program Performance Reports and to adequately track performance.

The Paperwork Reduction Act requires attention to respondent burden and I am sensitive to that concern. It is conceivable that reporting burden might be slightly increased. Changes to the Participant data record format which required to support ETA/DOL monitoring of program compliance with nondiscrimination and equal opportunity provisions would require only one-time only programming/MIS revision.

VERY HIGH PRIORITY:

MANDATORY DATA ELEMENTS FOR BOTH THE PARTICIPANT DATASET AND PROGRAM PERFORMANCE REPORT TEMPLATES

Three new or revised data elements need to be added to the Participant dataset specifications so these newly-reported data can, then, be escalated upward into the Program Performance Report template with mandatory reporting to assess program performance in serving limited-English and less-educated work-authorized clients.

Below I, first discuss these key variables in the Participant Reporting requirements which should be added or revised, so as to potentially be escalated “upward” into a revised mandatory format for Program Reporting in the following section. Subsequently, I discuss recommended changes which would substantially enhance data quality and utility but which might not be considered mandatory.



Revised Data elements on educational attainment (Highest Grade Attained (407), Educational Attainment (408). The first variable in the proposed collection of data about participants' educational attainment which reports years of education (data element 407) is much more useful than the variable which simply specifies categories of educational attainment. Reporting whether a participant has "some high school", "a HS/GED degree", or various levels of further post-secondary education provides inadequate detail for assessing immigrants' levels of literacy, how this affects access to service, and employment outcomes.

Key categories for reporting immigrant educational attainment for robust statistical analysis (based on distribution of educational attainment among the WIOA-eligible immigrant population likely to seek workplace skills development services) are: 0-3 years of schooling, 4-6 years of schooling, 7-9 years of schooling, 10-11 years of schooling, and 12+ years.

However, at the same time it should be noted that top-quality research (e.g. NALS, commissioned in part by ETA/DOL, and OECD, with special analyses commissioned by the US Dept. of Education) show imperfect correlation between educational attainment and functional literacy. Despite this shortcoming, finer detail on immigrant educational attainment would make a huge contribution to analyses of service needs, performance adjustment and program compliance with nondiscrimination provisions.

Revised Data element 803-English-language learner-ELL (i.e. limited English-proficient)-As noted above, when framed as a binary variable, i.e. as ELL/LEP-yes, ELL/LEP-no, this is not as useful as when framed with reference to a scale. It would make sense and add virtually no burden to conform the values in this data element to conform to American Community Survey classification of English-language ability, i.e. Speaks English: very well, well, not well, not at all). It should be noted, in passing, that the current specification of this data element would yield false positives since the second specification for coding a participant as positive for this characteristic is "(b) he or she lives in a family or community environment where a language other than English is the dominant language". It would be more useful if the data element clearly and unambiguously referred to a participant's English-language proficiency.

Revised Data Element 804-Low Levels of Literacy/Basic Skills Deficient at Program Entry—As discussed in my overview, this is a crucial data element which should be included in the Program Performance Reporting template. It can, however, be improved to clarify which facet of literacy/basic skills deficiencies it references—reading, writing or numeracy (The Educational Testing Service's analytic framework used in NALS does an excellent job of distinguishing different types of literacy competencies/deficiencies). This would add negligible burden (a single binary variable would be replaced with three binary variables with two or three values (e.g. "adequate reading ability" vs. "inadequate reading ability" or "high" vs. "adequate" vs. "low" reading ability).



RECOMMENDED AS ENHANCEMENTS

PRIORITY REVISIONS TO PARTICIPANT DATASET

Several additional revisions would enhance the accuracy and utility of the Participant dataset. Assuming programs are required to submit the full dataset on participants as underlying documentation for their summary Program Performance Report, these recommended changes would improve data quality and contribute to improved statistical analysis of program performance.

Revised Data elements 204-209 to better capture ethnicity/race The documentation for the proposed participant data format sloppily refers to “origin” (which is ambiguous as to whether it refers to national origin or ancestry) in the series of Y/N variables meant to capture racial/ethnic identity. Reporting of race/ethnicity should be conformed to the format developed in the Census Bureau Alternative Questionnaire Experiment (AQE) so as to generate clear-cut referents to race/ethnicity and Hispanic origin.¹⁶ An important advance has been to allow respondents to self-identify as belonging to an “other” racial/ethnic group not reflected in the OMB taxonomy. Research shows this improves reliability of self-reporting of race/ethnicity and Hispanic origin.

Revised Data element 409 on School Status at Participation to better capture prior participant adult education experience Data element 408 includes codes/values for post-secondary education but the codes do not include one which reflects prior enrollment in adult education (which may be an explanatory factor in eventual program success). My suggestion, since adult education (also known in some institutional contexts as non-credit education) is that this information should be captured in data element 409 with a code which reflects “prior non-certificate-oriented adult education program participation”. This might alternatively be captured with a revision to data element 408. It should be noted that adult education program participation is a particularly important element in immigrant participants’ skills development (and currently services are most often provided with WIOA Title II funding). While it is not clear to what extent “foundation skills” developed in one adult education program context (e.g. ESL, VESL, naturalization/civics classes) may be transferrable to other domains of functional competencies, it might be valuable to further expand data element 408 or 409 or add a new data element in the Participant record data reporting format to indicate: ABE, ESL, VESL, naturalization/citizenship (fairly standard categories for different types of adult education programs).

Realigned data element 903 (Adult education-Y/N) Alternatively, data element 903 (Adult education) could be used to capture information on participants’ prior adult education experience. However, the reporting format apparently lists data element 903 only in the reporting domain for One-stop centers—a serious blunder (since having been an adult education participant prior to enrollment is

¹⁶ See Terri Ann Lowenthal, “Race and Ethnicity in the 2020 Census: Improving Data to Capture a Multiethnic America”, Leadership Conference Education Fund, 2014.



relevant in a range of Title I program contexts, including programs for dislocated workers where participants are very unlikely to have enrolled via a One-stop center).

In passing, it should be noted also that the data specification for data element 903 makes reference only to adult education services secured with funding from WIOA Title II. While not universal, it deserves note that some states provide very substantial funding for adult education from state funds, not Title II. For example, California has traditionally funded 60-80% of its adult education courses from non-AEFLA sources and, for example, currently funds a fair number of ESL courses for parents of school-age children from funds allocated under Proposition 227. In practical terms, it is unreasonable to expect that a program participant to report at intake if an adult education course in which he or she was enrolled was funded out of WIOA Title II or some other fund source. The Title II reference should be dropped.

Education Credential-data elements 1800-1805. It is difficult to understand why ETA/DOL would not seek to secure information regarding the specific type of occupational skills licensure or occupational skills certificate program participants earned. After all, an important program accountability indicator is whether programs are training participants in demand occupations. Moreover, the economic return for different sorts of occupational certificates varies greatly (e.g. a certificated phlebotomist vs. a Microsoft-certificated network specialist).

Without data on the types of occupationally-relevant certificates participants achieve it is hard to see how programs can be held accountable either for responding to labor market skills demand or, more importantly, for providing participants a viable first step up in a career ladder. This omission is particularly surprising given the policy emphasis ETA/DOL and a wide range of stakeholders have (justifiably) placed on providing participants with career pathways which incorporate ladders to move onward and upward.

Pre- and Post- assessment of language/literacy competencies--Data elements 1902-1907 In the current proposed reporting format, these data elements, referring to pre- and post-program English-language and literacy competencies are required only for youth program participants (presumably because evidence of measurable skills gains is a statutorily specified performance indicator). These data elements should be required reporting for adult programs also if the system is to seriously address immigrant workers' needs by offering integrated career-education program designs—since progress in building “foundation skills” is as important for immigrant program participants who are typically less-educated and limited in English as it is for disadvantaged youth.

Summary Conclusions

ETA/DOL can enhance its ability to effectively monitor, evaluate, and enhance WIOA-funded program performance by modestly augmenting the program participant characteristics detail required to be reported in the Program Performance Report template.



Requiring programs to report numbers of limited-English low-literate clients served as part of routine, periodic reporting is necessary to provide ETA/DOL an adequate basis to monitor programs' performance in relation to its own equal opportunity requirements with respect to nondiscrimination on the basis of language (since language ability encompasses in addition to oral English, competency in reading, writing, and numeracy, i.e. literacy).

Given the size of the foreign-born WIOA-eligible work-authorized population, the economic disadvantage resulting from lack of access to workforce skills development services, and the evidence of a long history of inequitable access for limited-English/low-literate clients to Title I funded services and limited access to some important types of “premium” service (e.g. intensive training) generating the data required to track program service to immigrant workers is crucial—in “mainstream” adult programs, dislocated worker programs, and youth programs, as well as in MSFW programs—should be a high priority.

It is not enough to argue that extensive services provided under WIOA Title II (i.e. adult education) provide evidence of equitable access to WIOA-funded programs. There is a real risk that Title II services might come to represent a sort of “second class” tier of services instead of being integrated into the overall workforce skills development system—given that the intent of the legislation is clear about the need to transform a balkanized adult education and employment training service landscape into a seamless one which is easier for clients to navigate.

Issues regarding limited-English less-educated immigrant clients' ability to transition from adult education programs funded under Title II into training under Title I to enhance their employability and/or to provide them upward career pathways parallel the service equity issue addressed in *NAACP v. Brennan* with respect to employment services to farmworkers.¹⁷ Eventual resolution of that case required establishment of the national Monitor Advocate system as a tool for assuring equitable service to MSFW's. It would be better, at this point in time—for ETA/DOL to be proactive in securing the data to effectively monitor programs', local areas', and states' compliance with Title VI civil rights provisions and analyzing the reporting stream to guide progress toward compliance.

The recommended changes to the participant data reporting format entail only a modest increase in respondent reporting burden. The burden from modest augmentation of the Participant data reporting template is well-justified when weighed in relation to the need for such augmentation to provide a basis for ETA/DOL to comply with its legal responsibilities and its mission to improve service system capacity. The burden from “rippling” key data elements from the participant data reporting

¹⁷ James M. Altman, “Implementing a Civil Rights Injunction: A Case Study of *NAACP v. Brennan*” , *Columbia Law Review*, Vol. 78, No. 4 (May, 1978), pp. 739-770



system upward into Program Performance Reporting format is negligible, requiring only one-time revision to programs' MIS.

ETA/DOL should use the opportunity presented by revision of workforce skills development system and the transition from WIA to WIOA to carefully reconsider its program reporting requirements so it will have the management tools it needs to adequately monitor and to work systematically to improve the accessibility and quality of its services to limited-English, less-educated workers, both immigrants and U.S.-born.