



NATIONAL  
YOUTH  
EMPLOYMENT  
COALITION

**FEDERAL COMMENT  
ANALYSES BEGIN TO  
ANSWER QUESTIONS ABOUT  
WIOA PERFORMANCE  
MEASUREMENT**

DON SPANGLER, KATE O'SULLIVAN  
AND THOMAS SHOWALTER

MAY 2016

---

## ICR COMMENT ANALYSES: WHAT THEY ARE, WHY THEY MATTER

In late April, the Departments of Labor (DOL) and Education (ED) submitted Workforce Innovation and Opportunity Act (WIOA) Information Collection Request (ICR) proposals to the White House’s Office of Management and Budget for review and approval. The ICR proposals included two supporting documents that provide clues as to how final rules for implementing the WIOA will deal with thorny issues, such as measuring median wages, credentials, and skill gains, and tracking jobseeker skill gains:

- [Appendix A - Comment Analysis for Joint \[DOL & ED\] ICR](#)
- [Appendix A - Comment Analysis for DOL-Only ICR](#)

In the sections that follow, we have collected excerpts from these documents that address these challenging issues. All are direct quotes, with bolding added by us for emphasis.

These *Comment Analysis* documents summarize public comments on WIOA Information Collection Requests (ICRs). ICRs describe what information the agencies propose to collect to implement WIOA, why this information is needed, and how much collecting the information will cost respondents and the government. Most importantly, these documents also include the agencies’ responses to the public comments, which suggest what the final ICRs – and, eventually, WIOA rules – will look like.

At the recent [Communities Collaborating to Reconnect Youth](#) meeting in March, Jen Kemp, head of the US Department of Labor’s Youth Services Division, noted that comment analyses on the proposed ICRs could offer insight into the agencies’ thinking on WIOA data collection and tracking.

The documents are lengthy, and in some instances quite technical, but provide a wealth of useful information. Please note that there is some redundancy and duplication, since the two documents sometimes deal with similar issues.

We’ve organized the excerpts into four topics: Median Wage Measure; Credential Attainment; Measurable Skill Gain; and Entry and Exit.

---

## MEDIAN WAGE MEASURE

- Although the Departments recognize that including youth who are in postsecondary education or training and employment in the median earnings indicator may create a disincentive to provide further training, WIOA sec. 116(b)(2)(A)(ii)(III) requires that **all participants employed in the 2nd quarter after exit be included in the median earnings indicator, regardless of whether they are also in postsecondary education or training.** (pp. 5-6, DOL and ED)

---

## CREDENTIAL ATTAINMENT

- The Departments will **issue further guidance to clarify recognized postsecondary credentials** beyond what is in the statute at section 3(52) so programs can appropriately determine who should be included/not included credential attainment numerator and will look to the Interagency Working Group on Expanded Measures of Enrollment and Attainment definitions when defining specific credentials. These definitions are:
  - **Certification:** A credential awarded by a certification body based on an individual demonstrating through an examination process that he or she has acquired the designated knowledge, skills, and abilities to perform a specific job. The examination can be written, oral, or performance-based. Certification is a time-limited credential that is renewed through a recertification process.
  - **License:** A credential awarded by a government agency that constitutes legal authority to do a specific job. Licenses are based on some combination of degree or certificate attainment, certifications, assessments, or work experience; are time-limited; and must be renewed periodically.
  - **Educational certificate:** A credential awarded by an educational institution based on completion of all requirements for a program of study, including coursework and test or other performance evaluations. Certificates are typically awarded for life (like a degree). Certificates of attendance or participation in a short-term training (e.g., one day) are not in the definitional scope for educational certificates. (p. 49, DOL)
- It would not be reasonable to measure credential attainment against a universe that includes other individuals who are seeking critical WIOA services other than a credential. The final regulations will provide further clarification as to the implementation of the credential attainment rate performance indicator. The final regulations will provide further clarification as to the implementation of the credential attainment rate performance indicator. **This Performance ICR has been revised such that the postsecondary portion of the credential rate denominator includes only those postsecondary exiters in an education or training program; furthermore, postsecondary exiters in on-the-job training and customized training are excluded from the indicator** because we recognize that such training does not typically lead to a credential. (p. 7, DOL and ED)
- The Departments concluded that because WIOA sec. 116(b)(2)(A)(i)(IV) specifies the percentage of participants who obtain a recognized postsecondary credential or secondary school diploma or its recognized equivalent in a single indicator, the Departments will **not separate secondary and postsecondary credential attainment into two separate indicators**. Any acceptable credential attained

during participation in the program or within one year following program exit may count toward the credential indicator. (p. 8, DOL and ED)

- **This indicator focuses on participants who are enrolled in an education or training program** because the purpose of the indicator is to measure performance related to attainment of these credentials. **The Departments have excluded participants enrolled in on-the-job training and customized training because these work-based types of training are generally not designed to lead to a credential**, and the Departments do not want to discourage their use by including them in a measure that would ensure failure. The Departments further note that if a participant receives another type of training other than any of these exceptions, that participant will then be included in the credential measure. Participants who do not participate in training will not be included in the credential indicator. (p. 10, DOL and ED)

---

### MEASURABLE SKILL GAIN

- Under the Performance ICR, States will collect data for this indicator that measures **five types of skill gains attained by participants** in an education or training program. The Performance ICR collects the date the participant attained the most recent measurable skill gain in any of the following five ways [format altered for readability]:
  - documented attainment of a **high school diploma or its recognized equivalent**
  - documented achievement of at least **one educational functioning level** of a participant in an education program that provides instruction below the postsecondary level
  - transcript or report card illustrating a **minimum of 12 credit hours** earned;
  - **secondary or postsecondary transcript or report card** that shows a participant is achieving the State unit's academic standards;
  - **satisfactory or better progress report**, towards established milestones, such as completion of on-the-job training (OJT) or completion of 1 year of an apprenticeship program or similar milestones ... or successful completion of an exam that is required for a particular occupation, or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams. (p. 11, DOL and ED)
- The Departments will provide **joint and program-specific guidance and technical assistance to provide clear definitions for the five types of gains** for documenting the measurable skill gains. (p. 19, DOL and ED)
- **The States may use any or all** of these five measures in implementing the measurable skill gains indicator of performance for participants in an education or training program. (p. 11, DOL and ED)

- If a participant exits a program more than once in a program year and achieves a measurable skill gain prior to exiting each time, then that **participant could achieve more than one measurable skill gain in a program year**. A participant may achieve more than one measurable skill gain prior to each exit, **but only one gain per exit will be counted** in the performance calculations. (p. 12, DOL and ED)
- The Departments recognize the concern raised by commenters that the program year timeline does not provide participants with reasonable opportunity to achieve a gain and considered whether a minimum time threshold should be incorporated into the measurable skill gains indicator. However, the Departments have concluded that given the diversity of participant needs and program services, **imposing a time period by which progress is to be documented would be arbitrary and difficult**. (p. 12, DOL and ED)
- The **Departments are concerned about incentivizing behavior that discourages service providers from enrolling disconnected youth**, in particular, when they first approach programs, or that purposefully attempts to focus service on individuals who are more likely to obtain a positive outcome. The Departments emphasize that **programs must not delay enrollment or prohibit participants from entering a program late in the program year**. (p. 12, DOL and ED)
- The Departments recognize that **participants enrolling late in the program year may not have enough time to achieve a measurable skill gain** prior to the end of the first program year, and we recognize this could be perceived to negatively impact performance. However, the **negotiation process and the statistical adjustment model may take into account enrollment patterns and adjust negotiated levels of performance for the measurable skill gains indicator**. The Departments are concerned about incentivizing behavior that discourages service providers from enrolling individuals, such as disconnected youth, when they first approach programs. The Departments emphasize that programs must not delay enrollment in a program or prohibit participants from entering a program late in the program year. **All participant outcomes, regardless if achieved at the end of the reporting period in which they enrolled or in the next reporting period count as positive outcomes** for the program as they are not exit-based measures. (pp. 65-66, DOL)
- [T]he Departments recognize concerns regarding credit hours for interim progress. The Departments had proposed a measure requiring a transcript or report card for one academic year or for 24 credit hours. The **Departments agree with the concern that a transcript for one academic year or 24 credit hours is too onerous for part-time students** and have changed this measure to require that the transcript or report card reflect a sufficient number of credit hours to show a participant is achieving the State unit's academic standards. (p. 16, DOL and ED)

- The measurable skill gains will not differ based on intensity of participation or length of program. Therefore, **part-time and full-time students will be subject to the same five types of acceptable measurable gain types.** (p. 18, DOL and ED)
- **[T]he measurable skill gains indicator is intended to measure interim progress toward a credential or employment.** Although some may believe this indicator should only consider whether or not the participant obtained a degree or credential, **the Departments have concluded that there are other ways to document interim progress for this measure and that focusing solely on obtaining a degree or credential would be redundant with the credential attainment indicator** because that indicator would capture whether or not a participant obtained a degree or credential during participation or within one year after exit. (p. 18, DOL and ED)
- The Departments of Labor and Education will **provide joint guidance** to further define the types of measurable skill gains, including education skill gain, which will be assessed under the measurable skill gains indicator as “educational functioning levels.” (p. 52, DOL)

---

## ENTRY AND EXIT

- The exit date will vary by program, as there is not a common exit date required across all WIOA core programs. The **point of exit will be based on the specific program, unless the State has a common exit policy within titles I and III,** in which case, the point of exit would be based on the point at which the participant exits all programs that are part of the State’s common exit policy. (p. 59, DOL and ED)
- The Departments believe that **continuing common exit policies where they currently exist emphasizes the importance of an individual receiving and completing all programmatic services necessary** to ensure a successful attachment to the labor market. The Departments also recognize that the use of a common exit across core programs is **dependent on the ability of States to exchange data effectively and efficiently** in order to determine outcomes for each program. States may use common exit dates for title I and III programs. Titles II and IV core programs will not be able to use a common exit date. (p. 59, DOL and ED)
- A participant who ended a course in May and reentered another course in September would be exited as a participant in May, and performance indicators would be calculated for that individual in the appropriate reporting period if the enrollment in the fall semester was not a planned service. **Exit only occurs if the participant has no future services planned.** If the fall semester course was a planned service, the participant did not exit in May. If the fall semester was not a planned service, the individual would become a new participant in the fall, and

would be included in performance calculations at the end of that reporting period. **Any performance outcomes the participant achieved in each reporting period would be counted toward performance.** (p. 59-60, DOL and ED)

- A commenter requested additional guidance, asking when **follow up** should begin and whether it is different for each program. For example, the commenter asked, if a participant is in the Youth program and then enrolled in the Adult program, does follow up begin after youth services end and before adult services begin ... Follow-up services begin upon exit from a given program. **Common exit across title I programs, such as Adult and Youth, is allowed and encouraged, but not required.** In this example, the beginning point of follow-up depends upon whether a state is using a common exit policy. If a youth is co-enrolled in the title I Youth and Adult programs and a state is using a common exit policy, follow-up services would not begin until the individual exits both the Youth and Adult programs. (p. 71, DOL)
- The Departments will collect the count of participants that are enrolled in more than one core program, and States will be required to report this in the WIOA Annual Statewide Performance Report. The **Departments believe that co-enrollment leverages limited resources, broadens service options, and that integrated data systems are an effective way to facilitate co-enrollment.** The data in this collection will be collected as individual records that will be aggregated at the State level for the title II core program and at the Federal level for the titles I, III, and IV core programs. (p. 62, DOL and ED)
- Seeking further clarification on the definition of program entry, a commenter recommended that program entry occur at the time of participation and first service. This commenter asked how program entry is reported if an individual is co-enrolled across multiple programs and suggested that each program entry should be collected and reported independently ... This element is based on **the date an individual first received a service that triggers participation**, as CFR § 677.150(a) will provide. The Department will provide guidance on how information for this data element should be collected and reported (p. 31, DOL)
- Regarding program entry for those **participants who are co-enrolled, states and grantees will have the flexibility to report this per program, or as a common enrollment date.** (p. 31, DOL)
- For reporting purposes, **States should report participants separately for each period of participation but should provide a unique ID to the Department that stays the same across multiple periods of participation for the same individual.** The Department will then use this unique ID to calculate a count of unique participants in each program for each State, which will be reported on the WIOA Statewide Annual Performance Report Template. Outcomes for the performance indicators will be calculated using the multiple exits within a given

program year. Such an approach will incentivize the provision of the most effective and appropriate service delivery strategy regardless of how many previous periods of participation an individual has had. The **Department will provide further guidance and technical assistance** to implement this in order to ensure a consistent approach that facilitates comparability across programs. (pp. 33-34, DOL)