



September 19, 2020

Director of the Strategic Collections and Clearance
Governance and Strategy Division
U.S. Department of Education
LBJ, Room 6W208D
400 Maryland Ave SW
Washington, DC. 20202-8240

Dear Director of the Strategic Collections and Clearance Governance and Strategy Division:

Tyson Foods, MAREK, and other employers appreciate the opportunity to provide comments to the US Department of Education (ED) Office of Career, Technical, and Adult Education (OCTAE) regarding the Information Collection Request (ICR or “the ICR”) the Measures and Methods for the National Reporting System (NRS) for Adult Education (Docket Number: ED-2020-SCC-0117).

We are encouraged by OCTAE’s engagement with workforce and education stakeholders in this important work and value their efforts to engage employers in the continued development of the Workforce Innovation and Opportunity Act (WIOA) to ensure that education services are relevant and responsive to system participants employers, core WIOA partners, and shifting economic circumstances.

Included in the attachment we provide our comments on OCTAE’s proposed revisions to the NRS reporting tables as well as broader recommendations related to concerns about other tables and requirements in the NRS.

[The Critical Role Adult Education Plays for Tyson Foods](#)

At Tyson Foods, we believe that by supporting our team members in finding success in and outside of work in meaningful and tangible ways, we can make a difference in tens of thousands of lives.

Many of our front-line team members are new immigrants or refugees to the U.S. and come from dozens of different countries. In a single plant up to 50 different countries may be represented. Often, past uneven educational opportunities have left our team members with low literacy, limited English proficiency, and skills gaps. As a result, many employees do not currently qualify for roles beyond processing lines.



In response, Tyson Foods has worked for several years to address the unique and shifting challenges facing our workforce through our innovative adult education program, Upward Academy. In partnership with local WIOA Adult Education and Family Literacy Act (AEFLA) funded providers, Upward Academy helps team members develop important life skills, English as a second language, high school equivalency, U.S. citizenship, financial literacy, and digital literacy. To make it as easy as possible for team members to attend, we offer classes in our plants immediately before and after shifts. These opportunities have helped stabilize the lives of over 2,500 team members over the last three years.

Accelerated by the needs for remote learning during the pandemic, Tyson Foods pivoted its digital literacy strategy in the plants to help close the digital divide for our team members at home through a tablet loaner program. Now team members are not only accessing adult education from home but also gaining the skills to complete common online tasks such as filling out school forms, banking online, and accessing their payroll and benefits information. These skills also support the skills needed to qualify and apply for promotions within the company through our new integrated education and training program, Upward Pathways.

Encouraged by these partnerships, we are excited this year to increase the diversity of work with AEFLA providers and increase our team members' abilities to advance within the company through the development of a workforce development credential that will signal the readiness of workers for company-funded career training in high demand occupations within Tyson Foods. The promise of this work is to provide deliberate pathways from processing lines to advanced career opportunities. Adult education is a critical and value-added partner in this work.

Partnerships with our AEFLA partners opens new vistas of opportunity for our team members and benefits our communities and local economies.

Tyson Foods plants are predominantly located in rural areas with limited labor pools, which means that we rely on developing and promoting talent internally. Adult education collaborations position our AEFLA partners as major contributors to the economic development of small towns where the Tyson plant may be the biggest private employer. Through Upward Academy and Upward Pathways, AEFLA providers become critical valued partners with local WIOA core programs in addressing the objectives of the local workforce area.

Through our work with AEFLA providers, Tyson has learned just how much adult educators are ready to innovate and implement the new workforce-oriented models



and system enhancements envisioned by Congress through WIOA. For sure, in many areas of the country there has been slow, but steady growth. Some providers are often cautious in engaging in programs like Upward Academy because the NRS prevents flexible reporting for which to adequately report the types of workforce-oriented adult education services that embody the spirit of WIOA.

Adult Education is Ready for More

Legacy reporting models remaining from the rescinded Workforce Investment Act of 1998 (WIA) still govern the NRS, resulting in uneven and anemic expansion of critical elements of the new law, especially those models which support individuals seeking work, career advancement, and services delivered through distance education. As a result, these constraints often repress local service innovations and engagement with employers who want to participate and contribute to implementation of adult education. Because providers feel restrained to respond well with employer-customized services, jobseekers, under-skilled workers, WIOA partners and communities miss out.

The enhancements related to integrated education and training reporting offered by ED under this ICR are a strong step forward and Tyson Foods with our collaborating employers applauds them, but employers, state and local providers, and the other WIOA core programs are ready for more.

Conclusion

By passing WIOA, the U.S. Congress envisioned a sea change in adult education, transforming the system into a full partner for employers and the workforce development system. Tyson's partnerships with AEFLA providers across the U.S. embodies Congress's transformative vision and exemplifies advances that can be accomplished when the private sector and education partners collaborate toward solutions on behalf of diverse communities across the U.S.

Tyson Foods, MAREK, other employers have enjoyed working with COABE, World Education Inc., NCL, WES, JFF, and several states, to develop the attached comments. They are well considered and researched, offering consensus in some points and valued differences in others. Collaborating organizations have submitted their own responses, placing their own emphasis in areas important to importance to their organizations.

The attached recommendation for Tyson Foods will support the following objectives:



- Increase employer engagement in AEFLA programs through workplace literacy and integrated education and training opportunities
- Strengthen performance gains through the innovative models promoted through WIOA
- Remove legacy barriers from WIA that restrict access to services for jobseekers and those seeking career advancement
- Increase digital literacy and distance education by aligning the NRS current models of distance education and access.

We have all regained a foothold during the pandemic and realigned our work to address the current and future labor market. Tyson Foods and other employers enjoy our collaboration with the AEFLA system and desire to continue our work with the system to support the career development for our workers. We believe by being full contributors with our public education partners we can all best reemploy or upskill our neighbors and rebuild our diverse communities stronger.

This ICR presents an exceptional opportunity for ED to support this mission through enhancements to the accountability framework for adult education and literacy. Our attached recommendations will create reporting flexibilities and alleviate constraints in the NRS that prevent adult education from being fully responsive to those seeking jobs or career advancement.

Please address any inquiries related to this letter to me.

Regards,

Anson Green

Senior Manager Economic Opportunity
Corporate Social Responsibility
Tyson Foods | The Protein Company™
Cell: 210-307-7604
anson.green@tyson.com

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Contents

Introduction-Recommendations in Response to Information Collection Request Docket Number: ED-2015-ICCD-0004 2

Clarification on Terms 6

Comment 1: Table 4, Column A. Reducing Constraints related to Requiring Pretesting and Educational Functioning Levels..... 7

Comment 2: Table 4, Column G and N: Expand Reporting Flexibility in Activities Designed for Employers or that Support Workforce Preparation 13

Comment 3: Table 4. More Accurately Report Progress on Secondary Diploma/Equivalency Completion 20

Comment 4- Table 4. Note for Column E Bullet 5: Better Define Exit and Enroll Transition to Postsecondary Education or Training EFL option 22

Comment 5: Table 4c. Distance Education Reporting Unreliable and No Longer Relevant 25

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Introduction-Recommendations in Response to Information Collection Request Docket Number: ED-2015-ICCD-0004

Well Begun, but Not Done: NRS Alignment to WIOA Not Yet Complete

Programs treasure what they measure and state and federal funded programs often only measure and implement what they are mandated to report and are monitored against. Nowhere else is this more apparent than in the adult education program funded through the Adult Education and Family Literacy Act (AEFLA), reauthorized under the part of the 2014 Workforce Innovation and Opportunity Act (WIOA, “The Act”).

WIOA thrust adult educators into a dramatic new landscape of service expectations and partnership requirements. The law was redesigned to increase adult education providers’ ability to better meet the employment needs of struggling workers, providing targeted options that went far beyond the education-for-education-sake services available under the previous law, the Workforce Investment Act (WIA). The resulting sea change transformed the system into a more responsive partner for employers and a full contributor to the workforce development system as envisioned by Congress.

While US Department of Education (ED) has implemented required WIOA activities and regulations, and provided commensurate technical assistance over the last six years, further enhancements are needed to further the sub-regulatory guidance found in the National Reporting System (NRS) to adequately report vital services to participants, employers, and core WIOA partners. Currently, the NRS does not tell the full story, through data, of AEFLA’s role in increasing access and success for individuals with barriers to employment.

With over five years of complete data available, federal and state agencies have a more complete understanding of the potential of WIOA’s joint performance accountability model. Local providers desire to be a solution for students seeking career advancement and full partners to employers who desire to hire and upskilled their workforces to remain competitive and support their local economies.

Despite Reporting Challenges, Providers Are Innovating to Meet Employer Demand

States and local providers have worked diligently over the last six years to implement the AEFLA’s various workforce-oriented requirements, from shared one-stop obligations with Title I systems to innovative career pathways programs. Providers strongly desire to be full partners and embrace collaborations with employers to do this vital work.

Local Innovations

Significant state and local efforts have resulted in a transformed system: Adult learners, who once had limited access to upskilling opportunities, now have a proliferation of low or no cost skill training opportunities under the *integrated education and training (IET)*¹ program. Similarly, *digital literacy*, *distance education*, and *workforce preparation activities*, are now pervasive in many (but not all) state and local communities.

¹ Specific WIOA programs, activities, and performance measures within WIOA are italicized for clarification.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Immigrants and refugees, who are working hard to realize the American dream, now, under WIOA, have responsive employment models to support their efforts through the *integrated English Literacy and Civics Education* program, which provides access to training as well as employment services through the Title I one-stop employment system.

Employers, who offer the promise of self-sufficiency and economic lift, are now vital partners to the adult education system. AEFLA deliberately places them in a prominent position acting as eligible applicants for funding and customers and contributors to *workplace adult education and literacy activities (workplace literacy)*. This position is bolstered in the law through inclusion of the joint performance indicator, *effectiveness in serving employers*, which measures adult education and the other WIOA core programs by how many employers engage with the system and how often these employers return for services².

NRS Reporting Holds the System Back

It's a brave new world in adult education. Many states and providers have dramatically transformed services through bold efforts and sometimes turbulent negotiations. Before WIOA, providers who have been innovating would have been blindsided during the pandemic, but instead went from good to great after Spring Break 2020 scaling up remote education and employment-focused services in their communities. For others, though, successes, have been small and hard fought. For all states and providers though, reporting accomplishments and innovative service delivery through the NRS has been difficult and fraught with limitations. Tyson Foods and MAREK, with contributions from other employer partners, provided considered and researched recommendations to bolster adult education responsiveness and reporting.

What the Pandemic Taught Us: The NRS is Restraining Innovation and Access

In addition to having sufficient data and mature models of WIOA innovations on which to base our recommendations, the COVID 19 pandemic has underscored significant limitations in holdover pretesting and distance education reporting constructs prevalent under WIA, but inadequate and constraining to performance under WIOA.

These legacy constructs restrained adequate reporting before the pandemic then completely hamstrung state and local education and workforce communities at the onset of the pandemic. If unaddressed, they will continue to repress or prevent further reopening of vital adult education and training responses that could support the under-skilled workforce population significantly impacted by pandemic-related employment disruptions. We provide some recommended solutions.

Necessity is the mother of invention, and at the onset of the pandemic these service-halting constraints allowed educators to devise effective responses to student intake, assessment, and remote service delivery, while simultaneously helping providers and states realize that these alternatives could create stronger reporting for participants in some of AEFLA's most responsive workforce-oriented models for jobseekers and employers.

² *Effectiveness in Serving Employers* is a shared indicator across all six WIOA core programs. States are required to choose at least two of the three indicators for reporting data. The three approaches are: 1) Participant Retention with Same Employer, 2) Employer Penetration, and 3) Repeat Business Customers.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

It was a watershed realization.

Reporting Requirements Stymies Integration with WIOA Partners and Employers

All-together, the following recommendations support the WIOA aspiration of system integration across workforce, adult education, vocational rehabilitation and other partners. This nexus of all required partners operating under the same law and joint reporting framework was intended to deliver amplified value and results from the system. Unfortunately, in many instances you would never know this was the desired outcome. This hallmark achievement is far from complete and structures within the NRS are perhaps the largest impediments to accomplishing this for AEFLA providers. Legacy constructs drive reporting and service delivery in ways that reflect an unintended predisposition for the education-for-education sake models nowhere espoused in WIOA.

The NRS hobbles providers ability to fully respond to WIOA’s vision unless state or local maverick leaders develop workarounds that position integrated partnerships and employer collaborations over NRS reporting constraints. For many though, the NRS tale wags the dog and innovation is slow. Some AEFLA partners—state and local—view WIOA’s innovations and flexibilities through the opaque lens of the NRS and can’t easily develop or implement services other core partners clearly see in the law. As a result, collaborations breakdown or joint implementation meetings get tense as AEFLA providers often fixate on WIA-styled academic performance models still in the NRS rather than exercise WIOA’s flexibility, innovations, and opportunities.

Overview of Recommendations Supporting Full WIOA Implementation

Tyson Foods, MAREK, and the employers who collaborated on this response are supportive of the enhancements to Table 4 that support IET reporting but believe other innovations are left unaddressed in the ICR. We present these proposed modifications that will help alleviate specific constraints employers see in reporting.

- **Comment 1 provides a win-win-win solution to constraints in intake, pretesting, and reporting that positively influences the deployment of workforce-oriented program models and creates a more system more durable during periods like the pandemic.**

The recommendation retains familiar and effective reporting structures *for most students* but opens opportunities for more accurate reporting *for all students*. Enhancements provide an undemanding revision to support more precise reporting of participants in workforce and distance education models providers have worked so hard to implement.

The modest revision will also create a more durable reporting system when intake testing is constrained. Had it been in place prior to the pandemic, it would have alleviated much of the reporting challenges the system experienced and will continue experience for most likely the next two or three program years since vaccines are typically not 100% effective, distribution will be a limited and slow due demand, and some people will choose not to take the vaccine.

While the pervasive devastation of the pandemic will end, local and state economic travails from sporadic job dislocations, cyclical economic down turns, and natural disasters are constant. Recommendation 1 maintains rigor and creates flexibility for distance education and workforce-oriented models, as well as provides durability once the pandemic is behind us, allowing the system to continue

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

during periods when brick-and-mortar-based intake and testing is difficult, limits access, reduces responsiveness, or is simply impossible.

- **Recommendations 2 supports the proposed ICR changes to Table 4 and provides additional solutions that will support the capability of the NRS to adequately report *all* innovative workforce-oriented models under the Act.**

While advancing reporting on the IET model, the proposed reporting changes on Table 4 still hamper, rather than support, state and local efforts under AEFLA to align and integrate the full available array of services including *workplace literacy, workforce preparation activities, and digital literacy*. Enhancements to the NRS will support AEFLA's ability to adequately report these valuable services to job seekers and workers and comply more fully with the intent of Congress.

- **Recommendations 3 provides more accurate progress reporting on Secondary Diploma/Equivalency Completion**

Achievement of a secondary school diploma or its equivalent is perhaps the service most recognized by the general public, other educators, workforce boards, employers, and elected officials. Unfortunately, the NRS tells an incomplete picture of state performance. This recommendation supports more complete reporting on the measure by including reporting capability to report subtests earned toward the secondary completion. These changes will more adequately report the measure and reward participants in their indisputable achievements toward this important milestone.

- **Recommendations 4 supports increased rigor in the EFL measure and removes restrictions that hamper transition to postsecondary education or training**

Participant transition to college or training is a celebrated event in adult education but calculating performance on this achievement is overly restrictive and confusing. It also has loopholes that result in positive reporting for questionable activities. Not all transition to postsecondary education or training programs are created equal or have equal rigor. This recommendation includes parameters to ensure the strength and objectivity of the measure while reducing unnecessary challenges calculating performance that have limited usage of the measure by states and local programs.

- **Recommendations 5 argues that Table 4c, *Measurable Skill Gains by Entry Level for Participants in Distance Education*, be removed from the NRS.**

The table is not required under WIOA joint reporting and requires burdensome local processes that have constrained distance education and lead to underreporting of distance education. Consequently, the table that does not produce reliable or comparable data.

Conclusion

Tyson Foods, MAREK, and the other employers who provided input on this response believe the enhancements provided under this IRC are a strong step forward but states, providers, employers, and other WIOA core programs, are ready for more.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Clarification on Terms

To provide succinct and clear comment, this response uses specific terms to describe measurable skills gains found in statute, regulation and guidance. These derive from the taxonomy used in OCTAE Program Memo 17-2.³

Measurable skills gains (MSG) is one of five “indicators,” or dimensions of performance, described in WIOA to jointly measure participants across programs in each of the WIOA titles. “Measure” or “Type” are used to describe the various methods by which a participant can earn MSG performance. While there are five MSG indicators listed in the regulations, because there are three approaches to earning the first measure—*educational functioning level gain*—in practice, there are seven programmatic ways a participant can earn MSG performance as follows:

Type 1	Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level: a) States may compare the participant’s initial educational functioning level, as measured by a pre-test, with the participant’s educational functioning level, as measured by a post-test; b) States that offer adult high school programs that lead to a secondary school diploma or its recognized equivalent may measure and report educational gain through the awarding of credits or Carnegie units; or c) States may report an educational functioning level gain for participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program.
Type 2	Documented attainment of a secondary school diploma or its recognized equivalent
Type 3	Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit’s academic standards
Type 4	Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training
Type 5	Successful passage 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

³ See page 17 of OCTAE Program Memo 17-2 Available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-17-2.pdf>. Also, page 19 of DOL, Training and Employment Guidance Letter 10-16, Change 1.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Comment 1: Table 4, Column A. Reducing Constraints related to Requiring Pretesting and Educational Functioning Levels

The Dream of WIOA Flexibility Differed

Envision the following students: Sonia, a high school dropout who needs her GED to join the military; Parsu, an internationally trained nurse enrolled in ESL who wants to attend college, so he can establish his U.S. credentials; Keenan, who is applying for college in six weeks, juggling the costs, and must take non-credit remedial math; and Alexis, a production worker who will not be promoted if she cannot operate new production automation equipment which requires basic digital literacy.

NRS Pretesting—Good for Some, Not All

These are familiar scenarios adult educators support every day. Each of these individuals is eligible for AEFLA services and providers are accustomed to tailoring instruction to address these customer's specific goals. Each of these students can also achieve MSG performance in ways other than a commercial NRS-approved test, and there are methods and tests much better at diagnosing their skill needs besides a commercial NRS-approved test.

For Sonia, the GED Ready[®] exam would best her best diagnostic and indicator for placement; for Parsu, a TOEFL preparation test would be a targeted diagnostic; the state college readiness test would be the best indicator for placement and diagnostics in math for Keenan; and the Northstar Digital Literacy Exam is best for Alexis.

To adult educators this all makes perfect sense and is allowable under WIOA. Unfortunately, it is not allowable under the NRS. Each of the individuals will be required to take a lengthy commercial NRS-approved pretest tests to begin services. The pretest will provide very limited information to address their goal other than to place the student at a level on certain tables. The pretest will not be used again. Sonia will get her GED and earn a Type 2 MSG. Parsu will enter college and a Type 1c MSG. Keenan, too, will enter college. Alexis will earn the Northstar assessment, a knowledge-based credential or Type 5 MSG. None will ever need to posttest, so why does the NRS require a pre-test?

A Leftover Construct That Has Outlasted Its Purpose

Over 20 years ago, to respond to significant Congressional critique of adult education accountability,⁴ OCTAE, with states and local providers expended a significant amount of time, energy, and public funding to develop and implement the NRS reporting framework that was eventually implemented in 1997.

Under the law at the time, the Workforce Investment Act (WIA) of 1998, OCTAE used the NRS's educational functioning level (EFL) as an organizational taxonomy to support the reporting of comparable performance data across the states.

Under WIA, there was one method to earn education progress performance⁵— the comparison of a participant's pre-test with a post-test. This method was conceptionally sound and supported increased

⁴General Accounting Office (1995) Adult Education: Measuring Program Results Has Been Challenging <https://www.gao.gov/assets/160/155174.pdf>

⁵ Students at level six could only earn an educational gain by earning a GED.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

rigor and accountability in the program over the years. Inadvertently, it also disciplined the field into addressing the diverse range of student objectives and goals with a very limited array of education-for-education-sake services and commercial tests best suited to achieve academic post-test gains.

Congress’s Intent for Joint and Integrated Performance within WIOA

In 2014, WIOA required substantial changes to adult education and provided increased flexibility to strategically target services to the diverse workforce development and transition to postsecondary needs of students.

Congress understood that to do this, adult education needed a more sophisticated joint performance accountability framework of indicators and reporting requirements. WIOA replaced the single WIA performance method of pre-test/post-testing with the measurable skills gains (MSG) indicator, a diverse assortment of five unique measures with an overall seven variations⁶, one of which was similar to the WIA pre-test/post-testing, which is the only measure which relies on a pretest to calculate performance.

Maintaining Existing EFL Taxonomy will Misrepresent Reported IET Performance

While increasing adult education’s reputation as an accountable federal program WIA, the legacy EFL organizational and reporting framework in the NRS no longer achieves that objective under WIOA.

Tyson Foods, MAREK, and collaborating employers believe the changes proposed under the ICR for IET are a strong step forward but retaining the legacy EFL framework without modification will misrepresent performance due to the diversity of available MSG measures.

There are other detrimental ripple effects resulting from the unnecessary pretesting and reporting by EFL that reach far beyond misrepresented performance. Our comments present a resolution to the following negative consequences:

1. **Overregulation:** The EFL requirement creates an “unwritten” additional participant eligibility requirement not in the WIOA statute and not implemented for all participants in other WIOA core programs;
2. **Dissuades Employers:** Employers and WIOA partners desire to collaborate in WIOA’s flexible and responsive workforce development services but get frustrated when unnecessary NRS pre-testing slows or complicates implementation and has little relevance these services;
3. **Unjustified Cost Burden:** Unneeded pre-testing places additional costs on states and local public providers. This has become greatly exacerbated by the increased costs of remote testing during the pandemic when many states are in a recession;
4. **Discourages Learners; Reduces Enrollments:** Pre-testing dissuades enrollment of individuals with career advancement or postsecondary goals for whom there are better assessments than lengthy NRS-approved tests that lack of direct application to their objectives;
5. **Misrepresented Performance:** The EFL taxonomy presents performance that is misleading and confusing because the taxonomy by EFL Level is a psychometrically unsound for all but one of the MSG measures. Calculating performance for the diversity measures proposed under Docket Number ED–2020–SCC–0117 has no correlation to a initial pre-test.

⁶ See the section, Clarification of Terms, for an explanation.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

6. **Disproportionally Limits Participation Based on Income/Location:** Pretesting has constrained participation during the pandemic, and will so do until there is a cure. Required remote testing disproportionately impacts low-income populations who either cannot afford the technology requirements or live in areas where there is limited broadband;
7. **Represses Full Implementation of the Law:** Pre-testing continues and promulgates the legacy of the now rescinded WIA education-for-education model inhibiting and discouraging implementation of innovative workforce-oriented services and partnerships promoted under WIOA that are measured by other MSG types.

Ultimately, Tyson Foods, MAREK, and other employers believe the EFL taxonomy on Table 4 and other tables, has multiple negative impacts and produces limited and misleading data for participants in programs like IET except for the number of participants served by level. After that, no calculation on the NRS tables can be reliably made on other MSGs based on the participants' initial EFL.

The Importance of Objective Assessment, not Just Testing

Understanding adult learner objectives for returning to education and establishing an initial, objective assessment of their skill needs is the foundation for effective service delivery. But, adult educators know that standardized academic tests, like those required in the NRS, capture just one aspect of the information needed to effectively diagnose, support and measure progress. This is especially true for those who enter with diverse goals related to employment, career advancement, and transition to postsecondary education or training.

Adult educators have long understood that initial assessment of these skills must be achieved in a variety of ways, and that standardized testing is arguably one of the least effective, a point demonstrated in research literature and by teachers and administrators since at least the 1980s and a point that has led community colleges to embrace a multiple measures framework.⁷ Adult educators already implement additional diverse assessments to augment NRS tests because they are better at assessing student's needs across a wider variety of WIOA services. Often the commercial NRS-approved test, while sometimes useful, just becomes a lengthy and costly compliance exercise.

Good for Most, Not for All

There is no argument that commercial NRS-approved tests serve an important purpose in adult education and that the MSG Type 1a pre-test/post-test measurement method is effective in measuring performance for *many participants*. The contention is that pretesting is unnecessary and decidedly not the most appropriate measure for *all participants* and often interferes with the access and progress for many who participate in some of the fastest growing hallmark WIOA programs such as *IET*, *workplace literacy*, and *workforce preparation activities* including *digital literacy*.

At student intake, these activities should be measured through more diverse academic, technical, occupational, or other forms of measurement for which the NRS pre-test is of limited relevance. Often too, the pretest score is never used again. The requirement creates multiple negative impacts.

⁷ Multiple Measures Assessment Project <https://ccrc.tc.columbia.edu/research-project/multiple-measures-assessment-project.html> and Multiple Measures - California Community Colleges <https://assessment.cccco.edu/what-are-multiple-measures>.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

De facto WIOA Eligibility Requirement

The NRS requirement is so embedded in practice that there is a pervasive understanding in the field, from State Directors down to teachers, that pretesting is a required part of eligibility. The NRS creates a *de facto* WIOA eligibility requirement with no basis in law or regulation or joint guidance.

Employer Frustration

While Tyson Foods, MEREK, and other employers enjoy collaborations with AEFLA providers to implement workplace literacy, the work is often needlessly hard-fought.

Tyson Foods has proudly collaborated with AEFLA providers in 18 states for over two years and has made considerable investments in these services. In discussions with other employers we understand that few actually participate in AEFLA services despite the fact that WIOA is designed to address employer needs. Federal performance proves this out.⁸

Feedback from like employers like MEREK underscore what Tyson Foods has experienced: Many employers, who are often looking for responsive support from AEFLA providers for their valued employees, become frustrated with excessive testing, especially when the content of the standardized test does not align to company objectives.

As a result, after giving it a try, many employers simply decline to pursue AEFLA services due to the onerous, unnecessary (to them), and lengthy pretesting requirements as well as persistent provider preoccupation with post-testing which frustrates employers who understood WIOA and AEFLA to be a responsive resource for their upskilling needs.

Workforce Core Partner Frustration

Similar to employer frustration, other WIOA core partners become exasperated when they attempt to coordinate and co-enroll with AEFLA providers. These partners understand they operate under the same joint accountability framework as AEFLA and that an pretesting is *not required* for all participants in the other Titles. They find adult education operating under its own rules and practices through the NRS.

Potential Students Vote with Their Feet

Just as WIOA partners and employers become discouraged, so do students. For individuals returning to education with specific employment, career, or postsecondary objectives, standardized testing is the first activity they experience and may last up to six hours spread over several days.⁹

Because it does not align to their objectives, testing causes many hopeful individuals to drop out. Many have mustered significant courage to return to school after past failures in education and can dedicate a few hours a week to class to address very specific objectives like getting, advancing or keeping a job, earning an equivalency, or entering college. When they spend the two or first three class meetings,

⁸ In program year 2017-2018, states showed very low enrollments in these programs and 22 states reported *no reported participants* in workplace literacy activities. As cited in Green, A. (2020). Texas Hold'em: Engaging Employers to Close the Skills Gap. Coalition on Adult Basic Education Journal, Spring 2020. Federal AEFLA performance information is available as of March 3, 2020 at <https://wdcrobcolp01.ed.gov/CFAPPS/OVAE/NRS/login.cfm>

⁹ The Test of Adult Basic Education (TABE) 11/12 test is longer than the SAT, ACT, GRE, LSAT, and TOFEL.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

often spread over two weeks, taking tests they often don't return to class the second or third night. Because the test is not designed for their targeted goals and objectives, they vote with their feet.

Unjustified Cost Burden

The requirement to pretest all individuals before delivering Title II activities is firmly established in adult education programs. A considerable amount of time and funding is spent on developing policies and guidelines around testing and enforcing these policies through monitoring of local programs who expend a substantial staff time and funding on testing.

While many prospective students will benefit from NRS testing, not all need them. Each unneeded test administration is wasted cost. Reducing initial testing would save substantial costs related to purchasing tests, staff time for testing, scoring and data entry, the need for additional staff proctors during peak testing periods, and additional testing space in buildings.

Exacerbated Constraints During the Pandemic

The global pandemic has highlighted many facets of our lives that, previously, we took for granted. Things that were once the habitual, now, are either impossible, or must be accomplished with a high degree of care and difficulty. It has also made us consider what is essential in our lives and work, and what is not.

Like most everything, the education sector, including adult education, has been dramatically impacted at all levels by creating an immediate demand for remote educational services. As programs retooled after Spring Break, they realized that testing was impossible and remote testing disallowed. Because many state data systems have been designed to restrict placement into classes until a student has a test score entered into the system, student enrollment stopped. State leaders and providers had to expend precious time during a national emergency developing new policies and enrollment and data collection work-arounds¹⁰ to accept the growing backlog of individuals experiencing unemployment and in need of adult education services. These constraints, all related to NRS requirements, alarmed both educators and State officials worried about their economies.

This alarm and cessation of services for individuals impacted by the pandemic was unnecessary and led to countless unemployed individuals not receiving adult education services. It is a situation that many states still have not been able to effectively extricate themselves out of as program year 2020 commences and will likely continue for the next two or three program years until COVID 19 is eradicated.

Unnecessary Financial Impacts During a Recession

As demand for services reaches unprecedented levels due to skyrocketing unemployment, state and local budgets are being torpedoed by the recession. Testing costs have risen steeply as providers implement remote testing, which dramatically reduces the number of tests that can be administered at once and requires additional technology for programs and participants.

¹⁰ Texas, for example, was forced to develop a policy that went through multiple levels of executive review, an *ad hoc* reporting tool in MS Excel, and paid for and conducted a wide series of online training events to roll-out the policy across a very large state. Finally, Texas had to prioritize in its queue of IT system enhancements, a process to allow student placement without a test score, costing the state staff and IT programmer time.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

For example, in the District of Columbia, one provider estimated it would take 38 full-time staff a total of three weeks to remotely proctor NRS assessments for the fall. Fortunately, the adult charter funding mechanism is generous. For Title II grantees operating under Title II only funding, this situation is unsustainable, and programs must choose whether to reduce class offerings, lay off staff, or serve students outside the NRS.

Employers are also being impacted by these tighter budgets. Employers like Tyson Foods, an employer of essential workers protecting the nation's food supply, are seeing their AEFLA workplace literacy classes cut due to state and local budget reductions because these classes are often smaller and more costly.

Risky Behavior and Restrictions to Service Based on Income

While test publishers have worked hard to make their products available remotely, providers soon found that remote testing was exceedingly onerous and time consuming to administer. They have also found that the process disproportionately excludes the hardest to serve individuals in their community due to digital access and low literacy. Rather than exclude these participants, programs have taken the risky step of opening facilities for on-site testing with social distancing, an activity that presents a very unnecessary health risk due to the number of hours individuals must spend together testing and may skirt local laws on gatherings.

Table Design Misrepresents Performance

The NRS is designed and intended to support objective and accurate performance accountability results for the public, states, local communities, and Congress. Beyond the unnecessary costs, restricted access, and frustrated students, employers and WIOA partners, the current reporting of initial EFL levels on Table 4 produces ambiguous and misleading results that are psychometrically unsound.

The 12-level EFL taxonomy is reminiscent of a K-12 grade level framework where success is measured as student's progress up to the next grade. This construct worked under WIA due to the singular one-size-fits-all progress framework of pre-testing and post-testing. The construct though is lost under the multidimensional WIOA MSG framework. The arrangement of all participants by level on Table 4 applies a one-size-fits-all WIA progress framework to a wide variety of measures that have no relation to a pre-test. Reporting the student by level on Table 4 is misleading, since it may have no progress against the standardized pre-test that established the placement levels.

Summary of Recommendation for Table 4, Column A

An NRS-commercial pretest is not a required component for AEFLA eligibility. Local providers can use a wide variety of objective methods to determine eligibility and are successfully doing so during the pandemic. While appropriate for most students, the requirement for pretesting and reporting *all participants* by EFL in the tables establishes an undue burden on some participants who are being over-tested and given lengthy tests not aligned to their objectives. For programs, this means additional costs and needless time spent on activities that do not directly align to the participant's goals or program activities. It also has the effect of dampening the enthusiasm of employers, workforce boards and others in engaging with adult education.

Tyson Foods and MAREK recommend modifications to Table 4 below to provide continuity for most students, alleviate constraints, and provide a reporting model that will deliver flexible options for

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

innovative AEFLA models. The modification will reduced costs and reporting burdens, and build alliances and partnerships with employers and WIOA partners.

Recommendation 1: Include on tables that arrange participants by EFL level an additional field for both ABE and ESL participants for whom eligibility is determined by means other than a commercial NRS-approved test. (See Sample).

Placing a category on the tables below Level 6, labeled either “Non-leveled,” “Other Assessment,” “Other Participants,” or another label would maintain consistency for the vast majority of students who use commercial NRS-approved tests, but open access and accurate reporting for the growing number of participants who are found eligible and accessing Title II services for which commercial NRS-approved tests are not suited.

<i>Sample</i>
Entering Educational Functioning Level (EFL)
(A)
ABE Level 1
ABE Level 2
ABE Level 3
ABE Level 4
ABE Level 5
ABE Level 6
Non-Leveled

Once built into state data systems, the reporting field would also open equitable access and provide a method for participants to be enrolled and placed in classes during times when testing is impossible or extremely difficult, such as the pandemic lockdown, or other natural disruptions. It will also open access for very rural area students who may want to begin services but may not be tested on traditional schedules.

States would not be required to record the method or test types used nor report these test scores through the NRS, but states could opt to collect this data, a practice some states already undertake for tests such as state college readiness and high school equivalency preparation tests.

OCTAE should make commensurate edits to the first bullet to Table 4 as follows:

Use participant’s pretest score for the 1st entry of a program year for the initial placement in this table for participants who receive a pretest. List participants without a pretest under non-leveled (or “Other Assessment,” “Other Participants,” or another label)

OCTAE should similar adjustment to the other NRS tables that list participants by EFL.

Comment 2: Table 4, Column G and N: Expand Reporting Flexibility in Activities Designed for Employers or that Support Workforce Preparation

Introduction

Tyson Foods, MEREK, and other employers applaud and support the expansion of Table 4 reporting parameters for the measurable skills gains (MSG) indicator outlined in the ICR. The changes will create a long-overdue expansion or reporting for *integrated education and training (IET)* activities to all MSG indicator types as intended by Congress and the Secretaries. We believe though that the changes do not go far enough to fully strengthen the development, innovation, and alignment of services under WIOA.

To meet this intent, this recommendation supports a similar expansion of reporting to other workforce-oriented AEFLA activities including *workplace literacy, integrated English literacy and civics education (IELCE), and workforce preparation activities*. The recommendation is supported by the law, Congressional intent, the direction of the Secretaries, and best practices that local providers and states

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

demonstrate each day in support of employers and those with barriers to employment and advancement.

Expanded reporting through these activities will better document the full academic, technical, occupational, or other forms of progress gained under these activities, and support expansion of these services as intended by law.

The Measurable Skills Gains Indicator

The ICR specifically requests comment on the MSG indicator defined in WIOA Section 116:

“the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.” (emphasis added)

The definition uses “or” rather than “and” to describe the two possible outcomes for participants— a credential or employment. This means Congress intended employment-related achievements to be an equal and independent indicator under the measure.

Under WIOA, MSG Expanded Options, But Lower-skilled Students Are Not Left Behind

A worry that adult educators had under WIOA was that the strong focus on workforce development and postsecondary education and training would leave lower-skilled student behind.

Congress addressed this as well as adult education’s alignment to joint accountability requirements in its Statement of the Managers.¹¹ This memo emphasized that, while WIOA has a strong objective of supporting post-secondary and employment objectives, lower skilled individuals should not be left behind.¹²

“Making sure these skills are solidly in place for all students is a priority.” [emphasis added]¹³

The memo also emphasized AEFLA’s role in implementing integrated and career pathway approaches, and underscored that AEFLA report not just academic outcomes but a diverse set of performance outcomes that would document how all participants are progress in obtaining:

“...a regular secondary school diploma or is recognized equivalent, obtaining full-time employment, increasing their median earnings, and enrolling in postsecondary education or training, or earning a regular postsecondary credential.”¹⁴

¹¹ U.S. Congress. Statement of the Managers to Accompany Workforce Innovation and Opportunity Act. May 21, 2014. Available at: <https://www.help.senate.gov/imo/media/doc/WIOA%20Statement%20of%20Managers.pdf>

¹² Specifically, the Statement of the Managers emphasized that the measurable skills gain indicator be implemented by the federal agencies such that it accommodates reporting of “educated low level and under prepared adults.”

¹³ Statement of the Managers, pg.8.

¹⁴ Ibid.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Activities that Lead to Postsecondary Entry or Employment Advancement

In addition to *IET*, WIOA introduced a wide variety of other activities that repositioned adult education from primarily an academic education program under WIA, to one specifically designed to support participants in education or training programs that leads to recognized postsecondary credential, employment or career advancement.

The ICR's proposed changes to Table 4 expand reporting flexibility for IET to MSG types 3, 4, and 5.¹⁵ These measures are more aligned to progress gained through postsecondary education or training and employment activities. OCTAE's rationale is solid. IET programs provide services to meet the needs of job seekers and employers¹⁶ and program effectiveness can be measured through academic *and* occupational measures.

Tyson Foods, MAREK, and other employers argue that similarly, *workplace literacy*, *IELCE*, and *workforce preparation activities*, by definition, also support progress toward education, training, and employment outcomes. We recommend OCTAE apply the same logic applied to IET on Table 4 to expand reporting flexibility for these models.

Direction from the Secretaries: Defining Parameters, not Removing Measures

Based on the law, the Secretaries of Education and Labor developed regulations that further clarified a variety of diverse MSG measures at §463.155.¹⁷ While Congress made clear that the core programs should use the same indicators, it also gave the Secretaries discretion in defining the operational parameters—but not removing—measures for the indicator to better align the various MSG types to the allowable activities and populations serviced within each core program.

Regulations clarify that the MSG indicator be applied “depending upon the type of education or training program”. The Secretaries specified the application MSG method *by the type of program* (e.g. IET, high school equivalency, apprenticeship) in which a participant is enrolled not by the *WIOA Title through which the program is funded*. OCTAE, through the NRS, has restricted MSG not by program activity, but by the type of funding; Title II.

Allowable services such as *IET and workforce preparation activities* are defined the same under the various WIOA Titles and activities cross reference definitions across the Titles. For example, *workforce preparation activities* and *integrated education and training* are defined for all the Titles in the law through cross references to Title II. *Workforce training* in all core programs is defined through a cross reference back to Title I.

Clearly Congress and the Secretaries saw these as the *same services* and intended they be *measured the same* across the program.

¹⁵ See Clarification of Terms in the introduction for a description of these measures.

¹⁶ WIOA Summary of Changes 34 CFR Part 463—Adult Education and Family Literacy Act

¹⁷ 34 CFR § 463.155(1) - What are the primary indicators of performance under the Workforce Innovation and Opportunity Act?

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

The NRS Reduces Employers’ Ability to Contribute

WIOA places a strong emphasis on an employer-driven system and underscores this, perhaps most directly, through the inclusion of employers themselves as eligible recipients of AEFLA funds¹⁸ as well as in the performance indicator, *Effectiveness in serving employers* shared by all Titles, including adult education.

Given that, current NRS reporting limitations for *workplace literacy* and *workforce preparation activities* restrict providers in being full partners with employers and blunt their ability to effectively support participants who access adult education to build skills needed to prepare for work.

The NRS Fails to Adequately Measure Workplace Literacy

Like *IET* models, *workplace literacy* programs are designed to support the educational and career advancement and improve the productivity of the workforce¹⁹. These programs are provided in collaboration with an employer, are often offered onsite, and instruction is often contextualized to address specific occupational outcomes. Classes are often short term as a result of the discrete outcomes desired by the employer. Despite the highly customized nature of these services the NRS and joint guidance²⁰ don’t fully capture the variety of *bona fide* progress outcomes participants gain in these services. States can only report purely academic tests to report performance.

The NRS is at odds with Congressional intent. Because it restricts providers’ ability to report success through more appropriate MSG measures, providers are often *dissuaded in supporting local employers* because they worry about performance: They think: “Will participants earn a test gain in the class.” Not, “How best can I use the variety of MSG measures to capture performance.”

Ultimately, workers and employers lose out on upskilling opportunities, related advancement, and wage gain—the very core purposes of WIOA.

The Proof Is in the Data

Performance data over the years proves this out. Despite the demonstrated value of workplace literacy activities for participants and employers, few states and local programs implement these services. In program year 2017-2018, states showed very low enrollments in these programs and 22 states reported no reported participants in workplace literacy activities.²¹ Texas, a state with nine Tyson Foods plants, some of which are some of these largest employers in very rural workforce areas, bucked that trend serving 22% of the workplace literacy student population within the 50 states and U.S. territories.²²

¹⁸ Employers are eligible recipients for AEFLA funds, in partnership with other eligible entities such as a local education agency, institution of higher education, or community-based organization.

¹⁹ Definition of workplace literacy at WIOA §203(16)

²⁰ See page 21 of OCTAE Program Memo 17-2 Available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-17-2.pdf>.

²¹ As cited in Green, A. (2020). Texas Hold'em: Engaging Employers to Close the Skills Gap. Coalition on Adult Basic Education Journal, Spring 2020. Program year 2017-2018 is the last full year data is currently available. Federal AEFLA performance information is available as of March 3, 2020 at <https://wdcrobcolp01.ed.gov/CFAPPS/OVAE/NRS/login.cfm>

²² *ibid*

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Tyson Foods, MAREK, and other employers believe the current restrictiveness in reporting within the NRS may be the reason for such constrained implementation of a service so valued by employers and desired by workers.

Measuring Worker Productivity Through Workplace Literacy

Congress defined *workplace literacy* activities to result in worker productivity gains.

“Workplace adult education and literacy activities means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce.” [emphasis added]²³

While valuable outcomes, the currently allowed commercial NRS tests or high school equivalency exams are not the indicators employers would use to measure worker productivity.

Employers define and account for worker productivity through a wide variety of objective and rigorous measures and milestones that reflect outputs such as increased production cycle time, reduced waste, decreased safety instances, and improved customer service. Other quantifiable human resource measures include measures such as job retention, improved communication with supervisors, work satisfaction, and loyalty to the company. Similar to IET programs, these types employment-oriented achievements can be best captured through the MSG Types 4 and 5.

Forgotten in Federal Reporting: Workforce Preparation Activities and Digital Literacy

Workforce preparation activities are implemented across the WIOA core programs to support training and employment outcomes similar to *IET* and *workplace literacy*:

Workforce preparation activities means activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.²⁴ [emphasis added]

Under Titles I and IV, *workforce preparation activities* are reported using all of the available measure types. The NRS restricts reporting for Title II to just the academic Type 1 and 2 MSG measures, similar to the restrictiveness applied to employer-based *workplace literacy* programs.

²³ WIOA §203(16) defines workplace adult education and literacy activities means adult education and literacy activities offered by an eligible provider in collaboration with an employer or employee organization at a workplace or an off-site location that is designed to improve the productivity of the workforce. [emphasis added]

²⁴ WIOA §203(17).

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Never Mentioned in the NRS

The NRS fails to include *any* guidance on how states should report *workforce preparation activities* even though these skills are embedded in OCTAE’s Framework for Employability Skills the Educational Functioning Level Descriptors for the NRS.

Similar to the customized nature of *workplace literacy*, the wide variety of competencies developed through *workforce preparation activities* — digital literacy, college transition readiness, preparation for employment, etc.—are not well documented though academic commercial NRS-approved tests.

Providers Are Thwarted

Participants demand these services and need them. Local providers implement, or desire to implement, these important activities but consistently have concerns related to how to report them “to get a gain” on a test. The result is that there is inconsistent or limited implementation of these critical activities, or programs feel like they must do these activities “under the table” and not report them. Programs, and even whole states, are, at best, befuddled as to how to account for these activities, and, at worst, uninterested in offering or supporting them.

Digital Literacy Lost in Federal Reporting

One allowable *workforce preparation activity*, digital literacy, which has become the default “first class” all adult learners must master during the pandemic and will remain an important option for future, is impossible to report as an academic skill measured by commercial NRS-approved tests.

While there are very effective objective competency-based standards as well as assessments for digital literacy, such as Northstar Digital Literacy, the limits of the NRS academic framework prevent these outcomes from being reported. These vital activities are clearly in the sphere of adult education and can be rigorously and objectively measured through other MSG types. While other WIOA core programs measure and report these skills gains, they are currently lost for adult educators in federal reporting through the NRS. During the pandemic, every participant who gained vital digital literacy and employment preparation skills for employment or training, could be positively reported under the MSG indicator.

A Rising Tide Lifts All Performance Boats

Expanding the proposed Table 4 expansion of allowable MSGs to *workplace literacy* and *workforce preparation activities* would have a multiplier effect on all other WIOA performance indicators. Increased worker productivity and workforce preparation result in outcomes such as promotion and wage lift for current workers as well as employment or college and training success for participants. These outcomes would be reflected in the *employment, earnings, and effectiveness in serving employers* WIOA indicators.

Summary of Recommendations for Table 4, Column G and N

The intent of WIOA was to promote adult education to be a full workforce development partner and to better support the economic success of adult learners. The NRS, with its adherence to legacy academic-only reporting for activities such as customized *workforce preparation activities* and *workplace literacy* suppresses providers’ ability to support learner achievement toward academic and career advancement development goals.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Tyson Foods and MAREK offer the following recommendations to support increased effectiveness in adult education reporting.

Recommendation 2a: Expand Allowable MSGs

Tyson Foods and MAREK suggest OCTAE permit reporting of *workforce preparation activities* and *workplace literacy* across all available measurable skills gains applying the same logic used to expand reporting for IET under the proposed ICR. Congress defined these activities in a way that includes services that lead to a broad array of objective education and employment preparation outcomes.

The Type 4 MSG measure—*progress reports towards established milestones from an employer*—and Type 5 MSG—*an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks*—would greatly increase the options that adult education providers could use to meet the discrete services and outcomes employers desire and workers and job seekers need. This would also increase adherence to Congresses’ intent that workplace literacy improve the productivity of the workforce.

We suggest OCTAER retain the proposed expansion of reporting for *IET* described in the IRC and expand flexible reporting across all MSG Types to *workforce preparation activities* and *workplace literacy* on Table 4, though the following edits:

Revise Column G on Table 4 to read:

“Number of ~~IET~~ participants in postsecondary education or training transition or employment activities who achieved an MSG other than EFL gain and secondary school diploma.”

Make a similar edit to column N.

Make corresponding edits to the notes for columns G and N.

Add a note that defines the applicable AEFLA activities for reporting: “Activities for the purpose of postsecondary education or training transition or employment mean integrated education and training, workforce preparation activities and workplace adult education and literacy activities.

Recommendation 2b: Support Contextualized Test Development

Tests such as the CASAS Employability Competency System tests and CASAS tests contextualized for Health Occupations, Clerical, Food Service, Auto Mechanics were once popular tests and helped foster early implementation of integrated models that shaped the IET models adopted in WIOA by Congress.²⁵ In an aberrant twist though, while WIOA was compelling adult education to produce better employment-related outcomes through workforce models, the NRS test approval process was driving test publishers to develop academic-only tests resulting in a tests that last up to six-hours²⁶ and have little direct relevance to the competencies employers desire and are needed by workers looking to

²⁵ Specifically, the Integrated Basic Education Skills and Training (I-BEST) model developed in Washington State, a CASAS testing state. More: [https://www.casas.org/social-media-newsroom/2014/01/07/washington-state-i-best#:~:text=The%20Washington%20State%20Board%20for,for%20basic%20skills%20students\)%20to](https://www.casas.org/social-media-newsroom/2014/01/07/washington-state-i-best#:~:text=The%20Washington%20State%20Board%20for,for%20basic%20skills%20students)%20to)

²⁶ The TABE 11/12 test, of the most popular tests in adult education, is significantly longer than the SAT, ACT, LSAT, and GRE.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

retain jobs or career advancement. Current tests approved under the NRS are in some ways at cross purposes with WIOA.

In addition to applying the logic used to expand reporting to all MSGs for IET models, we believe OCTAE better could further support workforce-oriented models and better recognize and support the academic gains learned in such models by encouraging the development of contextualized academic assessment tests though the regulations described in the at 34 CFR Part 462.

Comment 3: Table 4. More Accurately Report Progress on Secondary Diploma/Equivalency Completion

Achievement of a secondary school diploma or its equivalent is perhaps the outcome most recognized in adult education by the general public, other educators, workforce boards, employers, and elected officials. As such, reporting these outcomes is one of the most important measures in the NRS.

Tyson Foods, MAREK, and other employers believe that reporting on the measure on Table 4 can be strengthened to bolster the usefulness of the data and accuracy of the Type 2 MSG measure as a progress indicator. We present two recommendations.

MSG is a Progress Indicator— The Type 2 Measure is Not

Congress created the MSG as a progress measure for participants achieving gains toward a credential or employment. Column F of Table 4 requires states to record the number of participants *who attained* a documented attainment of a secondary diploma/equivalency (MSG Type 2). As such, it is actually documenting *completion*, not measuring *progress*. While providing useful documentation for secondary achievement, the option is less useful as a progress measure for participants during a program year.

As a progress measure the NRS could more aptly report the intent of Congress by including a separate reporting category on Table 4 for achievement on subtests earned toward the completion of a secondary school diploma or its recognized equivalent, for example passing a GED math or science test.

OCTAE and the federal partners rejected this approach in its August 19, 2016 response to comments made during the Notice of Proposed Rule Making for WIOA. There the comments at Section 677.155(a)(1)(v) included a variety of methods the public suggested for the MSG indicator. OCTAE and the federal partners rejected the use of individual diploma/ HSE subtest achievements concluding that “none of the additional suggestions would be included in the Joint WIOA Final Rule or WIOA Joint Performance ICR because *subjectivity* should not be a part of determining skill gains...” [emphasis added]. In their rejection OCTAE and the federal partners stated the rejection was made because the proposed “measures suggested by commenters do not share the same level of rigor or objectivity” as the approved methods.

We disagree with that conclusion and believe that secondary diploma and equivalency subtests, by their very nature, are exceptionally objective progress measures toward a secondary outcome. Because they are administered under strict requirements by independent, often state approved test administrators, these tests are arguably more rigorous and objective than commercial NRS-approved tests which are often administered in less controlled environments and given by providers and instructors who are often not test administrators working independently.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

We believe the result of not collecting subtest achievement, negates an important area of current participant achievement and reduces actual performance earned in the states.

Most Requested Data Point Not Available in the NRS

The total number of secondary school diplomas or its equivalencies in a state is easily the most recognized and requested adult education outcome. Currently, none of the tables collect data on the total diplomas / equivalencies earned in a state.

Column F on Table 4 captures achievement of diplomas / equivalencies (MSG Type 2) and is a useful measure as it provides secondary data separate from similar data reported under the credential attainment indicator on Table 5. Data in column F is defined by program year, while the credential attainment on Table 5 is calculated during participation or up to one year after exit. The credential attainment indicator also restricts positive reporting to include only participants who were also enrolled in postsecondary education or training or were employed within one year of exit.

Because Table 4 only collects “*the most recent* MSG achievement for a participant” [emphasis added]²⁷, a diploma / equivalency earned by a participant is replaced if the participant later achieves another type of MSG.

Tyson Foods and MAREK recommend adding reporting capability in the NRS for the total count of diplomas / equivalencies earned during the program year. This would provide states and local providers with the most requested point of performance data in adult education. It would also provide data that would allow comparison of the total number of diplomas / equivalencies earned in a program year compared to resulting number after the credential attainment criteria is applied.

Recommendations

Tyson Foods and MAREK recommend the following changes to the NRS.

Recommendation 3a

Add a column to Table 4 labeled:

“Number who attained one or more subtests leading to a secondary school diploma or its recognized equivalent.”

Add corresponding edits to the notes for the column and make other changes throughout the NRS, as required.

Recommendation 3b

Add a row to Table 5 labeled: *Total Attained a Secondary School Diploma/Recognized Equivalent during Program Year*

Add corresponding notes to the row explaining that this is the total count of diplomas / equivalencies during the program year, before applying the credential attainment indicator factors of enrollment in postsecondary education or training or employment within one year of exit.

²⁷ Table 4 notes, bullet 3.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Comment 4- Table 4. Note for Column E Bullet 5: Better Define Exit and Enroll Transition to Postsecondary Education or Training EFL option

It has long been a celebratory event in adult education classrooms when a student leaves class and transitions to college or training. The inclusion of MSG 1c –*Participants who exit a program below the postsecondary level and enroll in postsecondary education and training during the program year*—was a thoughtful addition added to federal guidance. As well intended as the measure is though, it has significant flaws for which this recommendation presents solutions.

On the surface, the measure positively recognizes participant accomplishments enrolling in postsecondary education or training. Unfortunately, the operational guidance for calculating the measure makes application of it overly restrictive and confusing. As a result, implementation of the measure is limited by practitioners who either obsessive over “are they calculating it right” or find it too difficult to track.

Additionally, not all transition to postsecondary education or training programs are created equal. Currently OCTAE guidance allows entering college developmental education courses that technically are not any more rigorous than adult education to count toward performance. We believe OCTAE must include parameters to ensure that the intended rigor and objectivity of the measure are retained.

Description of the Measure

The NRS describes the measure in bullet six of the footnote for Table 4:

*“3) States may report an EFL gain for participants who **exit** the program **and enroll** in postsecondary education or training during the program year.” [emphasis added]*

OCTAE Program Memorandum 17-2 provides greater detail:

*c) States may report an educational functioning level gain for participants who **exit a program below the postsecondary level and enroll** in postsecondary education and training during the program year. A program below the postsecondary level applies to participants enrolled in a basic education program. [emphasis added].*

We suggest the following recommendations to clarify two issues that exist in the measure:

Challenges with the Exit Requirement

Issue 1: The Exit Requirement Is Non-compliant

Unlike the other WIOA core indicators of performance, joint guidance is clear that MSG is an exit measure:

“The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure.”²⁸ [emphasis added]

²⁸ See page 16 of OCTAE Program Memo 17-2 Available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-17-2.pdf>.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

As such, the Type 1c MSG measure should not be based on a participant's exit as the measure specification describes.

Issue 2: Exit Requirement Is Overly Restrictive

The requirement for participants to exit services restricts participants and providers in two ways:

1) The Measure Restricts Providers from Reporting Certain Participants Preparing for College or Training

A participant's exit is calculated as 90 days with no documented service. By requiring participant exit in the Type 1c measure, the guidance effectively excludes participants from earning the measure in the fourth quarter in order for the measure to be accomplished by June 30, the end of the program year.

Like most education and training programs, adult education enrolls and serves many students on an August to May school year cycle. To use the Type 1c MSG, participants preparing to transition to college or training must end adult education services, at a minimum, by the end of the third quarter to ensure exit and entry before June 30.

As a result, the exit requirement restricts usage of the measure in the late spring, the very period in the school year when many participants are preparing for college or training.

2) The Measure Leads to Over-testing

A positive result of the measure is that it presumably removes the need for NRS post-testing for positive performance, thus it potentially reduces testing for participants who must usually take other tests for college readiness. The actual practice of the measure, though, is just the opposite.

To use this measure type, educators must play a difficult game of calculation before the last quarter to ensure there is enough time for each participant to exit and enroll in transition to postsecondary education or training by the end of the program year. If the calculation is wrong, or the participant accesses another service that triggers participation, the gain is not earned.

This risky calculation results in programs either not using this MSG Type or attempting to use the measure and *still post-testing on an NRS test* just "to be safe." As a result, the participant ends up being tested twice. Once, on an NRS test and again on the actual test "that matters" to the participant, the college placement or training readiness test.

Removing "exit" from the table descriptor and guidance removes the absolute service end date of 90 days prior to June 30 and would allow participation in adult education services to continue strongly through the spring and mid-June, when many school terms end. This would allow enrollment in postsecondary education or training at the start of summer and prior to the end of the program year.

3) Modifications Result in Cost Savings

Removing the exit requirement would bring added value in terms of unnecessary testing and associated costs.

Additionally, if OCTAE includes our Recommendation 1 to modifications in the NRS, participants with college or training goals would be able to enter and participate in adult education without an NRS-approved pretest or posttest since their skill needs could be assessed against other tests better at gauging college or training preparedness, such as state college readiness tests. This would result in added cost savings.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Issue 3: Clarification Postsecondary Education or Training

Lastly, because “postsecondary education or training” is not defined in the descriptor, the Type 1c measure creates troubling loopholes that encourage adult education programs to earn gains that do not reflect the rigor we believe was intended in the measure.

Developmental Education Is NOT Postsecondary Education

In practice, postsecondary education and workforce training include a wide array of programs, most of which educators agree require skill levels more rigorous than adult education. As such, transitioning to them is a valid gain. One service though does not: Remedial or developmental education.

Developmental education provides the same basic skill competency in reading, writing, math as adult education. In fact, some states, like Texas, have actually aligned developmental education to the NRS.²⁹ No one would agree that such a transition represents an advance in skills since the competencies are the same. These transitions are doubly troubling as students often accrue debt or use of financial aid for developmental education, needlessly adding to the national student debt crisis.

Remarkably, OCTAE clarified and approved the use of developmental education as transition to postsecondary education or training in the 2017 responses to public comments under ICR OMB Control Number 1830-0027.³⁰ A move that many in adult education believed undercut the measure and elevated the academic rigor and status of developmental education.

As a result, states and providers currently include transitions to developmental education in performance reporting the MSG Type 1c measure when, in fact, these are lateral shifts—not vertical progressions—for the participant that also come at the high price of student debt.

Recommendation 4

Remove the exit requirement from the table descriptor and clarify in the notes to the table that postsecondary education or training does not include enrollment if the participants *only* enrolls in developmental education coursework as described below:

“3) States may report an EFL gain for participants who ~~exit~~ transition from adult education and literacy activities ~~the program~~ and enroll in postsecondary education or training during the program year. Postsecondary education or training does not include enrollment in a program of study that includes only developmental education coursework.

Participants who enroll in distance education *and* other more rigorous to postsecondary education or training should still be included as a gain in the measure.

²⁹ See College Board. TSI Assessments Program Manual Combined. <https://secure-media.collegeboard.org/digitalServices/pdf/accuplacer/texas-success-initiative-assessment-manual.pdf>

³⁰ US Department of Education (ND). Responses to Public Comments, National Reporting System for Adult Education ICR OMB Control Number 1830-0027.

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Comment 5: Table 4c. Distance Education Reporting Unreliable and No Longer Relevant

Introduction

Table 4c, *Measurable Skill Gains by Entry Level for Participants in Distance Education*, is a required³¹ table in the NRS used to attempt to report participants who have a majority of their hours in distance education. Tyson Foods and MAREK believe the table is unnecessary.

Similar to the EFL taxonomy discussed in Comment 1, the reporting of distance education in Table 4c hearkens back almost two decades ago.³² This was well before students participated in educational activities through cell phones, texting, chat, high speed internet, and Zoom. The table was crafted when educational progress was measured by pre-test/post-testing only. While federal reporting flexibility under WIOA has been dramatically enhanced, and almost all facets of distance education have transformed significantly over that period, Table 4c has not.

The table is unjustifiably burdensome, not consistently used, and yields what experts in the field have determined is unusable data.³³ Consequentially, rather than promoting expansion, the table has likely contributed to the dearth of distance education in adult education programs nationwide which has had disastrous impacts during the pandemic.

Table 4c Has Not Kept Up with Advances in Distance Education

The table was designed almost two decades ago to determine if distance education, which, at the time, was a very new delivery model in education, resulted in the same types of learning outcomes as traditional, teacher-led in person instruction.³⁴

Over the last 20 years, participants and providers have increasingly augmented learning with online resources. Unlike then, when distance education was an atypical activity in programs, it is now common for adult education programs to implement blended or hybrid models of in-person and online learning through resources such as Open Education Resources, Kahn Academy, GEDReady, and a wide variety of online ancillary resources that accompany textbooks. In many programs today, distance education is ubiquitous. The case of effectiveness has been made and separate reporting is no longer needed or relevant.

The table had minimal changes over the years, until WIOA, when changes were made to accommodate the activity, somewhat, into reporting under the new statute. The table serves one purpose: to

³¹ It is not completely clear if Table 4c is required. While portions of the NRS guide seem to indicate that distance education reporting is permissive, Table 4c is not described as an optional table, like Table 8, Outcomes for Participants in Family Literacy Programs.

³² See: <https://nrsweb.org/about-us/history>

³³ World Education Inc./ EdTech Center (2020) Comments on the National Reporting System. Submitted August 28, 2020.

³⁴ World Education Inc. (2020). What We Learned: Adult Education's Response to Emergency Remote Teaching and Learning <https://edtech.worlded.org/wp-content/uploads/2020/07/WEI-for-BMGF-Adult-Ed-COVID19-Response-8.2020.pdf>

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

differentiate student progress through direct hour instruction with that earned through “proxy hours,” an esoteric and convoluted requirement for counting participation hours that is needed for only one of MSGs (pre-test/post-testing). The development of proxy hours requires onerous process development at the state and local level to develop protocols and requirements described in the NRS, an effort that some states choose to skip entirely.

Digital Literacy—Missing in Federal Reporting

While distance education is misaligned with adult education practice today, digital literacy, a critical competency necessary for adults to obtain employment, support their children in school, and gain economic self-sufficiency,³⁵ is not accounted for anywhere in the NRS.

Digital literacy³⁶ is considered a critical competency for adult functioning, and as such, is aligned with the purpose of AEFLA.³⁷ Table 4c does not measure a *different competency* (i.e. reading, writing, math, English language, digital literacy) *at all*, but rather just a *different method of delivery*, much like reporting to what extent students’ gain progress through other teaching delivery methods like project-based learning or action research.

Significant Weaknesses with the Table

In addition to being misaligned current adult education practice in distance education and forcing a rigid interpretation of a percentage of time that online learning should be employed, Table 4c has multiple significant flaws. It represents a legacy model of distance education, fails to capture the various MSG types available under WIOA, and is burdensome to report. As a result, distance education activity is vastly unreported by states.

Additionally, the required eligibility pretesting to get an EFL baseline for the table³⁸ has likely resulted in countless rural area students over the years—who would benefit tremendously from remote access to education— not being able to access adult education. Educational access for those in rural areas has long be a problem, and, in almost all educational sectors, distance education has closed the gap. Unfortunately, this is less the case in adult education as individuals are still required to “drive into town” to take a pretest that lasts hours. If OCTAE includes our Recommendation 1 to modifications in the NRS, participants in rural areas would have more flexibility as to when they pre-test on commercial NRS-approved tests while still being able to access and be placed in services based on diagnostics in most commercial distance education software.

=4Finally, the subjectivity and variability of source data for the Table 4c makes the data unreliable. State’s make their own determination as to if a participant is a distance education student or not, so there is not a consistently defined denominator of “distance education students” across the states.

³⁵ Bergson-Shilcock, A. (2020). The New Landscape of Digital Literacy. How Workers’ Uneven Digital Skills Affect Economic Mobility and Business Competitiveness, and What Policymakers Can Do About It. <https://m.nationalskillscoalition.org/resources/publications/file/New-Digital-Landscape-web.pdf>

³⁶ See also Recommendation 2.

³⁷ WIOA Section 202. Purpose.

³⁸ Discussed in Comment 1

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

Additionally, proxy hours are determined based on unique criteria state to state criteria, approval processes, and calculations based on various approved distance education activities. These variations produce progress outcomes that are not comparable across states. The end result of this burdensome reporting is little data of use to providers, states, or the federal government.

States Vote with Their Feet

The significant reporting burden required to report on Table 4c combined with its questionable utility has led to a scarcity of robust distance education services in many states who have likely determined reporting is too onerous, too hard to monitor, or too hard to figure out. In 2003 there were at least 19 states with a strong interest in using distance education to provide learning opportunities for adult learners.³⁹ Today, the national distance education mentoring and professional development consortium, the IDEAL Consortium, has just 17 member states,⁴⁰ and growth of distance education has topped out around 3% of students since data was first made available in 2007.⁴¹

Of course, participants *are* learning online and access to technology via computers and cell phones is much less a barrier as it once was, and instructors take advantage of this. The performance is just severely underreported on Table 4c, because separate reporting is too burdensome.

Caught Unprepared

The expansion of distance education has been inhibited in many states due to the onerous reporting requirements in Table 4c and lack of development of the table to keep pace with innovation in distance education.

This became tragically apparent during the 2020 pandemic and resulting lockdown. Significant limitations in many state's adult education programs have hamstrung states and local providers who had not invested years in the development and expansion of expertise and professional development to scale service delivery online.⁴²

Only a handful of states could scale services online. Even in states with well-developed capacity that allocated significant funding to cover hardware and software resources, existing federal policies and reporting through the NRS proved dramatically insufficient to report the diverse types of distance education being deployed.

States with well developed distance education programs, a culture that encouraged distance education, and provider requirements and guidelines were able to press through the spring of 2020 relatively well;

³⁹ Askov, E., et al. (2003). Expanding Access to Adult Literacy with Online Distance Education (2003). Eunice N. Askov, Jerome Johnston Leslie I. Petty Shannon J. Young Harvard Graduate School of Education, 2003
http://ncsall.net/fileadmin/resources/research/op_askov.pdf

⁴⁰ See: <https://edtech.worlded.org/professional-development/ideal-consortium/>

⁴¹ IDEAL Distance Education and Blended Learning Handbook Jenifer Vanek, Destiny Simpson, Jerome Johnston, and Leslie I. Petty Sixth Edition August 2018 <https://edtech.worlded.org/wp-content/uploads/2018/08/IDEAL-Handbook-6th-Edition-8-16-18.pdf>

⁴² What We Learned: Adult Education's Response to Emergency Remote Teaching and Learning (August 2020)
<https://edtech.worlded.org/wp-content/uploads/2020/07/WEI-for-BMGF-Adult-Ed-COVID19-Response-8.2020.pdf>

Attachment

Comments from Tyson Foods and MAREK in response to ICR Docket Number ED–2020–SCC–0117

those that did not simply closed. The federal government provided limited guidance or additional resources, except to restate the legacy distance education requirements, with some exceptions, in the NRS Guide.⁴³

This summer, while many states worked hard to scale capacity, with no federal emergency effort, others who had limited or no existing capacity, are still scrambling to stand up services to address the burgeoning numbers of unemployed adult learners this program year.

Summary of Recommendation

Requirements for states to report distance education did not exist under WIA nor do they under WIOA. In that respect the Table 4c is an unjustified reporting burden. The trouble of reporting and dubious usefulness of the table has likely repressed, not promoted, distance education in adult education programs nationwide. This has left many states—some facing budget deficits—desperately building capacity to address adult learners, especially those unemployed as a result of the pandemic.

Recommendation 5

Tyson Foods and MAREK recommend removing Table 4c (and the related Table 5a) from the NRS. These tables are not required under WIOA joint reporting and require burdensome local reporting that leads to uneven and underreporting. Consequently, the table that does not produce reliable or comparable data.

OCTAE should expand reporting allowability for digital literacy under workforce preparation activities as recommended in Comment 2.

To build national capacity for distance education in AEFLA programs, OCTAE should make substantial investments in National Leadership Projects that support expansion of distance education for adult learners.

⁴³ Program Memorandum OCTAE 20-3 available at: <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-20-3.pdf>