



Veronda L. Durden
Commissioner

January 29, 2016

Office of Information and Regulatory Affairs
725 17th Street NW
Washington, DC 20503

Attn.: OMB Desk Officer for the U.S. Department of Labor Employment and Training
Administration Office of Management and Budget, Room 10235

RE: Comments on the Information Collection Request: Required Elements for Submission of
the Unified or Combined State Plan and Plan Modifications under the Workforce
Innovation and Opportunity Act; and Supporting Statement for Paperwork Reduction Act
OMB Control Number 1205-0522

The Texas Department of Assistive and Rehabilitative Services (DARS) appreciates the opportunity to comment on the Workforce Innovation and Opportunity Act (WIOA) proposed Information Collection Request (ICR), published December 23, 2015, in the *Federal Register*. DARS prepared these comments in collaboration with the Texas Workforce Commission, which also submitted comments.

Regarding the proposed Required Elements for Submission – Appendix 1:

- DARS supports the proposal to identify some measures as “baseline” measures on which states would report, but not be held accountable for meeting specific targets for Program Year (PY) 2016 and PY 2017. However, DARS recommends that pre-WIOA (Workforce Investment Act) measures not be extended to PY 2016 or PY 2017. Congress revised and replaced the pre-WIOA program-specific measures with measures of workforce system performance. The pre-WIOA measures are not comparable to the WIOA measures, and use of them would result in duplication of effort by requiring agencies to keep and track two sets of measures.
- DARS recommends revising the proposal that the Credential Attainment Rate and Measureable Skills Gain measures not be treated as baseline measures for PY 2016 and PY 2017 for the Title IV VR program. The ICR indicates that the determination as to whether a measure is made baseline or not is tied to the likelihood of states having the data necessary to propose reasonable targets. As discussed in further detail in the enclosure, states are unlikely to have such information.

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These comments are laid out in more detail in the enclosure to this letter. Please contact Jeff Kaufmann, Program Specialist, at jeff.kaufmann@dars.state.tx.us or (512) 377-0586 if you have any questions about DARS comments on Appendix 1.

Sincerely,



Scott Bowman
Interim Assistant Commissioner
Division for Blind Services



Cheryl Fuller
Assistant Commissioner
Division for Rehabilitation Services

Enclosure

cc: Veronda L. Durden, Commissioner

Proposed Required Elements for Submission – Appendix 1

DARS offers the following comments regarding Appendix 1, which provides that states are to propose performance targets for many of the statutorily required performance measures.

DARS supports the proposal to identify some measures as “baseline” measures on which states would report, but not be held accountable for meeting specific targets for Program Year (PY) 2016 and PY 2017. However DARS recommends that pre-WIOA (Workforce Investment Act) measures not be extended to PY 2016 or PY 2017. Congress revised and replaced the pre-WIOA program-specific measures with measures of workforce system performance. The pre-WIOA measures are not comparable to the WIOA measures and use of them would result in duplication of effort by requiring agencies to keep and track two sets of measures.

In the April 2015 Notice of Proposed Rulemaking (NPRM) regarding the Combined State Plan, Appendix 1 was a blank table with no additional guidance. In the December 23, 2015 ICR, Appendix 1, the Departments proposed using flexibility allowed under WIOA §503(a) to designate some performance measures as “baseline” measures, for which states would not propose targets. The Departments identified measures as being baseline based on the likelihood of a state having adequate data on which to make a reasonable determination of an expected level of performance, and noted that such a designation would vary across the core programs. There are substantial differences between the WIOA and pre-WIOA performance accountability systems. These differences shift the focus of measure from the first and third quarters post exit to the second and fourth quarters. The proposed regulations also change who is considered a participant, how/when the individual exits, and potentially the application of using “Common Periods of Participation.” Operating some measures/programs using the WIOA system while operating others using the pre-WIOA systems will create unnecessary cost and make the WIOA transition more difficult. Therefore, DARS recommends that the Plan measures designated as baseline measures not carry specific targets in PY 2016 and PY 2017.

DARS recommends revising the proposal so that the Credential Attainment Rate and Measureable Skills Gain measures are treated as baseline measures for PY 2016 and PY 2017 for the Title IV VR program. The ICR indicates that the determination as to whether a measure is made baseline or not is tied to the likelihood of states having the data necessary to propose reasonable targets.

DARS does not believe that states have adequate data to make such determinations regarding Measureable Skills Gain and Credential Rate Attainment within the Title IV Vocational Rehabilitation program.

Measureable Skills Gain is a complicated measure nearly entirely new for WIOA. Under the proposed regulations, Participants can demonstrate achievement of a gain one of six ways:

- 1) Use pre- and post-tests that show a gain of at least one educational functioning level;
- 2) Attain a high school diploma or its equivalent;
- 3) Attain a postcard or transcript for secondary or postsecondary education showing achievement;
- 4) Exhibit satisfactory progress toward established milestones from an employer providing training;

- 5) Successfully complete an exam required for a particular occupation, or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams; or
- 6) Achieve measurable, observable performance based on industry standards.

Neither Title I nor Title IV has historically required Measurable Skills Gain information on participants to be tracked. The Departments seemingly recognized this in proposing that Measureable Skills Gain would be a baseline measure for Title I programs but did not make this exception for Title IV (VR).

The Credential Attainment Rate measure is a less complicated measure than Measureable Skills Gain because it is only reported after Exit rather than multiple times during a long Period of Participation. However, states have not been required to capture the information needed to report this measure for Title IV (VR).

The U.S. Department of Education (ED) has long required states to submit an annual file called the RSA-911, which includes individual-level data on all participants who exit the program during the prior program year. DARS' partners at the Texas Workforce Commission spent considerable time working with the last five Texas RSA-911 files, attempting to determine how ED expected states to use this data to prepare targets for the Title IV Measurable Skills Gain and Credential Attainment Rate measures. Unable to map the RSA-911 data to the new measure requirements, TWC staff contacted ED asking for the methodology it was using with this data but to date have received no reply.

In lieu of such guidance, DARS recommends revising the proposal so that the Credential Attainment Rate and Measureable Skills Gain measures are treated as baseline measures for PY 2016 and PY 2017.