



Council for Advancement of Adult Literacy
1221 Avenue of the Americas - 44th Floor New York, NY 10020

June 17, 2011

The Honorable Michael Enzi
835 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Johnny Isakson
120 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Tom Harkin
731 Hart Senate Office Building
Washington, D.C. 20501

The Honorable Patti Murray
173 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Murray, Enzi, Harkin, and Isakson:

This letter is sent on behalf of CAAL and members of the National Commission on Adult Literacy. We want to thank and compliment you and the HELP Committee on the WIA Reauthorization Discussion Draft, which is extraordinary in the range and depth of its understanding and intent. We very much appreciate the opportunity to review this bill at this stage, and although we hope that some of our input will help strengthen the bill, we stand strongly behind this Senate bill.

Given the skills levels of our adult workforce, this bill comes at a most opportune time. It is a vital tool in the national effort to develop employability among millions of adults across this great land. As you know, our workforce development and adult education and basic skills needs are enormous and a sound and reformed WIA is absolutely essential to meeting those needs. The elements of this bill will lift up millions of Americans and move them toward better citizenship, better lives, and employability at a family-sustaining wage.

The form of the Draft bill is a great credit to the sustained work and dedication of the HELP Committee staff. To cite just a few of the Act's many strengths: We are deeply pleased by its attention to the strong role of business in comprehensive planning, and to the principle that all stakeholders in the educational enterprise must and should be equal partners. We are pleased by the sensitivity the bill shows to the needs of low-skilled adults, including ESL populations, and the correctional population. This WIA plan is very strong and on target in its call and provisions for greater alignment among planners, beneficiaries, and service providers, and for its accountability and state planning provisions. And we are deeply pleased about the nonpartisan process that has been at the core of the HELP Committee's work on WIA issues for the past few years. Our enthusiasm for the bill will be conveyed in other ways in the coming days and weeks.

We don't wish to burden you with the detail of our comments and suggestions for making this bill even stronger. But we have taken seriously the invitation to provide comments and suggestions; they are conveyed as an attachment to this letter. You may be interested to know that our suggestions have to do primarily with improving a few of the definitions, refining a few governance and state planning issues, strengthening performance indicators, ensuring that adult education programs are not inadvertently strapped with governance or funding approaches or

instructional services that could be inappropriate for them and render them ineffective, tweaking a couple of the funding formulas, and doing the most we can to achieve the maximum in college and job outcomes that the Act aims to bring about. We will urge in some areas – such as technology, offering business incentives, performance measures, and provisions for a national institute – that the Senate review and consider incorporating some of the excellent formulations in the newly reintroduced and very fine Adult Education and Economic Growth Act of 2011.

Our suggestions are offered in a spirit of hopefulness and gratitude – for all that you and your staff have done to bring WIA reauthorization so far. We stand solidly with you in working for its passage.

With thanks and sincere appreciation,

Gail Spangenberg
President, CAAL
& Manager, National Commission on Adult Literacy

Stakeholder Comment Form

Senate discussion draft of the Workforce Investment Act of 2011

This form should accompany your organization's comment letter. Please send both documents (as attachments to a single email) to ews@help.senate.gov no later than Friday, June 17th at 8:00 p.m.

Organization: Council for Advancement of Adult Literacy
(and National Commission on Adult Literacy)

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Our input is organized by title (Titles I-III) and within each title, according to highest priority and second-level priority groupings. We move section-by-section within title as an organizational convenience. In the highest priority areas, we consider all items of equal weight.

TITLE I

TOP PRIORITY ITEMS

101(4) ("Basic Skills Deficient") – add at the end of the existing text the words, *"...or are otherwise eligible for service under the provisions of Title III of this Act."*

Sec. 101 (6) – CAREER PATHWAYS DEFINITION. We suggest replacing the definition of Career Pathway in this section with the definition given in the new AEEGA: *CAREER PATHWAY.—The term 'career pathway' means a system of educational and social services connecting education, training, and support services, including adult basic skills, English language instruction, General Education Development (GED) credential preparation, and noncredit and for-credit occupational certificate and degree programs, to enable youth and adults to advance over time to successively higher levels of education and employment in a given industry or occupational sector and that—*
(A) align adult education, job training, postsecondary education, or occupational training to create a pathway to attaining a recognized postsecondary education credential that will qualify an individual for career advancement in projected employment opportunities identified in the State plan under section 112; (B) include advising and career navigation to support the development of individual education and career plans; and (C) lead to a secondary school diploma or its recognized equivalent (for individuals who have not completed secondary school), a post-secondary degree, a registered apprenticeship or another recognized occupational certification, a certificate, or a license in demand industries.

In Sec. 101(29) – Substitute the following vital language: *“INTEGRATED AND SEQUENTIAL EDUCATION AND TRAINING – The terms “integrated education and training” and “sequential education and training” have the meaning given to them in section 303(11).”* Possibly add a SPECIAL RULE OF CONSTRUCTION: *“In this Act wherever the terms “integrated education and training” or “concurrent” education and training are used they shall be construed to mean both integrated and sequential education and training, unless specifically noted as an exception to this rule.”* **REASON:** As the new AEEGA captures well, integrated and sequential programs are different, and both are essential. Both types need to be accommodated because sequential programs have merit and are cost-effective, and they are presently the dominant way of combining adult education and job training and transitions to postsecondary education.

We also suggest changing the definition in Section 303 (11) to correspond to that in the new AEEGA as follows: Specifically we urge deleting the existing language and substituting: (11) INTEGRATED AND SEQUENTIAL EDUCATION AND TRAINING. – (A) The term “integrated education and training” means education that, at the same time, combines adult education services with occupational skills training for a specific occupation or occupational cluster or education leading to an employer recognized credential or other forms of postsecondary education. (B) The term “sequential education and training” means adult education services that may occur prior to job training or postsecondary education and are appropriate who need services offered one after the other in a progressive fashion.”

Sec. 111 and 117 — Functions and membership of state and local Workforce Investment Boards.

Sec. 111(b) states that the State Board shall “advise the governor” in (1) “the development, implementation, and modification of the state plan...” Sec. 117(b) (1) states that “The local board, in partnership with the chief elected official for the local area involved shall develop and submit a local plan to the Governor...” We believe the function of the National Board is unclear, and that neither statement is appropriate. We suggest that: Sec. 111(b) should read, “shall develop and submit the state plan to the governor, based on plans submitted by the state agencies principally responsible for core programs,” and that Section 117(b)(1) should state “The Local board shall develop and submit a local plan to the State Board based on suggestions from all the agencies principally responsible for carrying out core programs in the local area.” **REASONS:** The existing formulation leaves it unclear exactly who should develop the state plan, and it does not establish the authority for core programs to develop and submit plans for their operations, subject to state review. This authority is implied elsewhere in the Act, and should be explicit in the state planning process. Likewise, 117(b)(1) eliminates the ability of local core programs to develop their own plans.

Sections 111(d) and 117(d) establish the membership of the state and local boards respectively. In both cases a majority of members are representatives of business. Although we appreciate the intention to assure that plans are responsive to business needs, we believe this is excessive and question whether a sufficient number of business representatives at the state and local level can be found to be actively involved in these planning activities. Also, we see no reason to constrain the governor in this way, or to minimize “partnership equality” of any members needed in the planning process. We suggest that in both cases, the Governor should appoint members of the Boards and that no quotas shall be set, except that the boards shall contain representative of all core programs and partnership agencies, postsecondary and secondary education agencies, business, and organized labor and such other members as the Governor shall determine.” (Note: A case could also be made that the governor and the chief elected official, respectively, should develop state and local plans based on plans developed by core programs and that the Boards shall be advisory in both cases.)

Section 112 (b)(B) – After sub-section vii (p. 49) add a new Sub-section viii which shall read “With regard to programs supported by Title III, how the state shall comply with the requirements of sub-section 324(b).” Then, SECTION 324 (the state plan section of Title III) should be changed to read: *“(a) Each State desiring to receive funds under this title shall submit and have approved by the Secretary and the Secretary of Labor a unified State plan in accordance with Section 112 or a combined State plan in accordance with section 113, and (b) This State plan shall be comprehensive in nature and developed and monitored by a planning group of all stakeholders in the State’s adult education system . The stake holders shall include--(A) the agencies responsible for – (i) the State’s programs under this title and Title II; (ii) the State program funded under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); (iii) overseeing community colleges; (iv) elementary and secondary education; (v) corrections; (vi) economic development; (vii) family literacy (if any), (viii) special services to immigrants; (B) representatives of business and organized labor. (c) The Secretary and the Secretary of Labor shall establish a peer review process to assist in the review and approval of State plans for this Title and shall appoint individuals representing the range of stakeholders to the peer review process, including (i) representatives of adult learners, adult education and literacy and workplace skills providers, eligible entities, State educational agencies, institutions of higher education , representatives of local or state workforce boards, and experts in the fields of adult education, literacy, and workforce skills. ”* **REASON:** As indicated by the creation of Title III, adult education services are very different in nature from those supported by Title II. Among other differences, they directly affect and should reflect the needs of stakeholders beyond those represented on State Workforce Boards as defined in Sec. 111. Therefore, the development of state plans to implement adult education services requires the collaborative efforts of all stakeholders in adult education. Otherwise, these state plans may be deficient in content. Also Workforce Boards are mandated by this Act to review a great many programs, and it is unlikely that they will have the time and resources to adequately review the special requirements of

adult education plans. Finally, due to the highly technical nature of Title III plans, a peer review process is required to ensure their adequacy.

[Suggested for consideration: The new AEEGA’s substantive requirements for Adult Education state plans are good. A few are covered by Title I language, but others are not. We would suggest that the AEEGA’s provisions in this area be considered for inclusion in Senate Draft Title I. We also wish to recommend that the Secretaries use a peer review process for plans of all programs included in the Unified Plan.]

Sec. 131(b)(2)(A)(i) “Primary Indicators of Performance”

The Performance Accountability System (PAS) limits performance indicators to six common measures, reflecting postsecondary-related and employment outcomes. Insert a new Indicator VII: *“The percentage of program participants who (aa) are enrolled in programs supported by Title III of this Act and/or who receive services of the kind provided by Title III, (bb) the percentage of these participants who achieve benchmarks of progress and retention in these programs established by the Secretary of Education, (cc) the percentage of these individuals who enroll in postsecondary education and training programs, enter employment or satisfy the requirements of other primary indicators within one year after they have achieved each benchmark,”.* REASON: This Act recognizes the importance of Title III programs and services in preparing individuals for employment and postsecondary education by defining low basic skills as a barrier to employment [Sec. 101(24)] and by holding these programs accountable to the same performance measures in terms of employment and training as other programs. A major function of Title III Programs in the Act is to prepare individuals for employment and training by improving their basic skills. Therefore, a primary indicator of their performance should be how effectively they do so. Because it may take several years for individuals with low basic skills to attain the skills required to enter postsecondary education and training programs, or to obtain employment at self-sufficient wages (or any form of employment), the specific indicators of performance most relevant to Title III programs is, therefore, whether and to what extent they make progress in these programs by meeting benchmarks that indicate they are improving their basic skills. Other critical instructional services under Title III such as family literacy, digital literacy, work readiness, job training readiness, and other non-college (industry-recognized) certifications are not identified for federal reporting purposes. In order to fulfill the mandates of Title III, these outcomes must also be recognized and supported by the PAS. These benchmarks are best set by the Secretary of Education rather than by legislation, because there is much debate about what they should be, and the Secretary is best qualified to resolve the technical issues.

Sec. 131 (b)(2)(A)(iii) (p. 134, lines 6-19). We urge that you delete this section.

REASON: There is no more reason to condition the use of “a secondary school diploma or its recognized equivalent” as a performance measure on whether the individual is

employed or enrolled in an education and training program after one year than there is to condition the use of a “recognized postsecondary credential” on whether an individual is employed or seeking further education (e.g., an Associate or BA degree). In both cases, employment or pursuing further education will depend on labor market conditions, financial opportunities to pursue education, and many other factors beyond the control of programs authorized by this Act or individuals. Either the use of both elements of Indicator IV as a performance measure should be conditioned on employment or further education or neither should be conditioned on these factors.

Subtitle Sec. 141-142 and seq.

Subtitle C establishes a program of “Workforce Innovation and Replication Grants.” These are experimental grants to test improved ways of providing Title II and Title III services. The language in the WIA Draft provides funding for these grants which may total as much as \$300 million per year. Funding for these grants is provided by reserving 50% of the amount appropriated for Title II Adult Education and Training Activities in any given year that exceeds the amount appropriated for those programs in 2010 up to \$250 million [Sec. 232(a)(B)(i)] and 50% of the amount appropriated for Title III programs that exceeds the amount appropriated for Title III programs in any given year up to \$50 million [Sec. 311(a)(2)]. CAAL is no expert on Title II programs, but it is confident that there is a consensus that core Title III programs are desperately underfunded and lack the resources to either meet national needs or even to adequately fulfill the requirements of this Act. This is probably true of Title II programs as well. Therefore, depriving Title II and Title III programs of half of any increase they receive up to these large amounts in the interests of supporting an experimental grants program will create substantial harm with no assurance of corresponding benefit.

RECOMMENDATION: Sec. 232(a)(B)(i) and Sec. 311(a)(2) should be deleted. Language should be inserted in Subtitle C that funds Workforce Innovation and Replication Grants” by “such sums as may be necessary.” In addition, because projects funded by these grants will be performing the same functions as core Title II and Title III grants, grantees should be held to the same accountability standards that apply to these Titles – as set forth in Section 131. Also, the secretaries shall use a peer review process for evaluating applications for these grants (in the same way that process is used for larger competitive grant programs under Sec 270, and shall evaluate the activities carried out under these grants using at least the evaluation criteria specified in Section 271 and other criteria the Secretaries consider relevant. [NOTE. A similar concern could be raised about Youth Innovation and Replication Grants (Sec. 143) and Transition Grants to States (Sec 144) because they have similar funding mechanisms and also weak accountability, evaluation, and peer review processes.]

SECOND-LEVEL PRIORITY

Sec. 101 (70) - Definitions – We suggest adding a new subsection 101(71) to read: *“NUMERACY: To be numerate means to be confident, competent, and comfortable with one’s judgment about whether to use mathematics in a particular situation, and if so what mathematics to use, how to use it, what degree of accuracy is appropriate, what the answer means in relation to the context, whether and how to communicate the answer appropriately, and what action if any to take as a result of the analysis. RULE OF CONSTRUCTION : Any references to “mathematics,” “compute,” or “computation” in this Act shall be deemed to refer to mathematics or computation AND numeracy.”* **REASON:** This would align Title II and Title III instruction in mathematics with the Common Core Standards for Mathematics issued by the National Governor’s Association and the Council of Chief State School Officers which 48 states have said they will adopt as the basis for their K-12 mathematics curricula. The precise wording stated above is adapted from leading math educator Diana Coben of the University of Birmingham and has been adopted as the basis for mathematics education in adult education in England.

Sec. 117 (11) (B) – **Applications and Agreements** – This may be overreaching re Sec. 332 in Title III. It could be interpreted that the local board has total veto authority over the adult education plan, which would be counterproductive.

Sec. 118(b) – This requires local Workforce Investment Boards to coordinate adult education activities and coordinate the review of local adult education program applications. It is not consistent with Sec. 332, and should be stricken.

In Sec. 131(b)(2)(A)(I), Indicator III – **add to the end of the existing language** *“and their earnings gains relative to their earnings prior to entering a program authorized by this Act.”* **REASON:** The median earnings of program participants is an important performance indicator, because it suggests whether programs may have helped participants achieve a family-supporting wage. Earnings gain is an equally important indicator, because it suggests whether programs may have helped participants (many of whom are low income) improve their wages. This is of concern, because at least some job training programs prepare participants for demand occupations (such as Certified Nurse’s Aides) that often pay no more than unskilled service sector jobs they may have held before entering the programs, and their economic benefits to individuals and the economy should be understood from this perspective.

Sec. 131 (and Sec. 221)

Four major problems in the Bill have to do with enrollment, exit, multiple programs serving the same participant, and tracking multiple year participation. All of these

matters should be addressed in Sections 131 Performance Accountability System and Section 221. The questions that need answering are:

(1) How does a person become a participant? If he/she comes first to a one-stop and is referred to a partner program, is he a participant of both the one-stop and the partner program? Each partner program must meet performance requirements as does the one-stop. Will each program claim a positive outcome if the participant becomes employed or engages in postsecondary education? What happens if a person goes directly to a partner program? Must the partner program seek enrollment by the one-stop?

(2) What exactly does 'Exit' mean? One post-exit positive outcome listed in the legislation is participation in an integrated education and training program (though sequential programs should not seem to be excluded). Adult education would consider the non-postsecondary part of this as continuing participation. What would be the status of a participant who was still receiving childcare from a partner program?

(3) There seems to be little recognition of the need for tracking multi-year participation. Employment and training programs are accustomed to one-year cycles. But the reality is often different in adult education. The need to establish multi-year tracking systems should be explicit in the legislation – by inserting the word “multi-year” in front of “performance accountability” wherever it appears.

(4) We assume that state ABE directors will be on the state boards even though not specifically mentioned (they appear to be embraced in terms of their function as policy supervisors of adult education). Supervisors may not necessarily be able to speak for and represent state ABE directors, especially because and no more than one person may represent more than one program on state boards.

Sec.131 page 155 – The ability of adult education programs to track student outcomes via Social Security numbers or wage records may be limited, especially for ESL learners. An alternative method of collecting longitudinal data needs to be developed, possibly through a National Leadership Activity project.

TITLE II

TOP PRIORITY

Sec. 221 One-Stop Delivery System

Section 221(h) establishes a system for funding One-Stop Centers that requires that they be funded by contributions from all local “partner” programs (core programs including Title III programs and certain other programs) either through a local memorandum of agreement and/or through a formula establishing how much of its total funding each partner should contribute. We believe this method of funding One-Stop Centers is unsound, because it levies a burdensome tax on small programs (such as Title III programs), creates needless administrative burdens and contentiousness, leaves unclear the cost of the Centers, and if existing WIA is any guide, is either honored in the breach or results in insufficient funding for the Centers. It would be especially problematic if contributions are **capped** at 3 percent of federal funds provided to a state for a fiscal year for WIA youth, adult, and dislocated worker programs, and the Employment Service; and only **1.5 percent** of federal funds are provided to a state for a fiscal year **for all other required partners**. In general, we suggest that One-Stop Centers should be funded by grants to the States by a formula established by the Secretary from an appropriation to the Secretary of “such sums as shall be necessary” and that these funds should be allocated to local Centers by Workforce Boards according to a formula stated in each states State Plan.

(NOTE: In Title II, we otherwise defer to the comments/suggestions of the National Skills Coalition on behalf of the organizations, including CAAL, in their WIA alliance.)

SECOND-LEVEL PRIORITY

General Comments

Must EL-Civics participants who are employed receive workforce training. Must they provide salary information to form the baseline for median income growth measures?

On p.274, English language testing is required along with occupational training, but it is not included as a performance indicator. We think it should be.

Section 270

The section authorizes the Secretary of Labor to establish “Demonstration, Pilot Research, and Multistate Programs” which are, for the most part, competitive grant programs. It also specifies a large number of these programs that are authorized in

considerable detail, including authorizing amounts to be spent on some programs and numbers of grantees for some others. We do not believe that the programs should be specified in legislation, because this unduly constrains the Secretary and because during the period in which this Act is authorized other topics may emerge for which other grant programs should have higher priority. We believe that Secs. 270(a)(1) and 270(b)(1) and (b)(3) provide sufficient guidance to the Secretary. We suggest all other language in Sec. 270 be deleted and that funding for Section 270 be established at “such sums as shall be necessary.”

TITLE III

TOP PRIORITY

General – (on incumbent workers and business incentives, and technology)

Title V of AEEGA of 2011 would implement tax incentives for employers who facilitate adult education for their employees (incumbent workers). This is a sound, pay-for-itself program that would be a useful way to get more employers involved in skills and job development. Such a provision should require that Title III-based and other adult education programs provide instruction to workers at or near their worksite. However, we appreciate that having an Employer Incentive (as in the AEEGA 2011), which we strongly advocate, is difficult for the Senate. WE suggest that throughout WIA, greater emphases be given to service to incumbent workers. In Program Year 2000, at the beginning of WIA Title II Adult Education implementation, over 97 thousand adult workers were enrolled in Workplace Literacy programs. This number should have grown, but ten years later, only 12 thousand were enrolled – an 87% drop.) The new AEEGA 2011 is strong in making services to incumbent workers and employers a priority, and we urge attention to the Act’s provisions.

Not having a Technology Center and dedicated funding to states/locals is an important issue. Just suggesting that OVAE could identify an "entity" to fund (with no required budget) is not very supportive. Note that the new AEEGA also calls for the states to develop a Technology Literacy Indicator. We urge that consideration be given to incorporating the technology components of the AEEGA 2011.

Sec. 301 –Short Title – Suggest Deleting this Section. There is no need for a short title, and other sections do not have short titles. Also this short title is not adequately descriptive given the reforms and changes recommended in both WIA and the AEEGA.

Sec. 303(1) (A) – 1 – Add a new sub-section (D) that reads *“function effectively in everyday life including, but not limited to, as employees, consumers, patients, users of financial services, parents and citizens.”* It has long been recognized that it is in the national interest to provide ESL service for reasons beyond economic consideration in order to help immigrants and Puerto Ricans assimilate into American society and to protect both their safety/welfare and that of other Americans.

Sec. 303(2) -- Adjust “integrated education and training” to read “integrated and sequential education and training”.

Section 303(4)(C)(i) – As written, persons who have a high school diploma are unable to be served unless they are deficient in basic skills. Basic skills deficiency is

defined in Section 101 as below 8th grade level, which is not an appropriate measure of basic skills levels. If 8th grade were changed to “below 12th grade level”, high school graduates who demonstrate that they need help to qualify for postsecondary education could be served. It seems unfair that people who did what society asked and stayed in school (even though they didn’t learn enough to qualify for postsecondary education) would be denied service while people who did not do what society asked and dropped out would be given assistance not only to complete a secondary education but to qualify for postsecondary education. Adult education programs serve these people now, and it should not be construed that they cannot do so under the reformed WIA. (Also, see our proposal for 101(4).)

Section 303(6) – The definition of an English Language Learner Program contains three proposed outcomes, a secondary school diploma (or equivalent), transition to postsecondary education and training, and employment. Because English language learners may have diplomas and degrees, and because so many are employed, the words “if necessary” should appear after “(B) leads to”, and the words “employment upgrade” should follow “employment.”

Sec. 303(11) -- See Sec. 101(29) - Definitions in Title I above re Integrated and Sequential education. The WIA definition requires that the education and training be concurrent, as is done in Washington’s I-Best program. But there are excellent, appropriate, and cost-effective programs in the nation that combine education and training sequentially rather than concurrently such as Ohio’s Stackable Certificates program, in which participants begin with basic education in early phases, continue with concurrent education and training, and finish up with just postsecondary education. To accommodate a greater variety of programs, we recommend adoption of the definition of concurrent and sequential contained in the AEEGA of 2011, as we have indicated for Title I above.

Sec. 306 – The authorization of “such sums as may be necessary” for funding Title III does not reflect the critical need for transition to a more comprehensive and successful Adult and Workforce Education Program. While it is difficult to predict at this time what monies may be available for adult education, and granting that the same language is used for the majority of the other titles of the Act, given the substantial upgrading of the role of adult education in the reauthorized Act, it would be appropriate to indicate that a substantial increase will be required for adult education to provide its services, and it should be identified, if possible, at least for the first funding year.

Section 311(d) – This has the same definition of “Qualifying Adults” as the 1998 version of this legislation. Since that time the number of English language learners has expanded to nearly one half of the enrollment of adult education programs. Yet, except for those who do not have a high school diploma, this population is not represented in the apportionment formula. We recommend that an additional factor be inserted that

reads, “the number of adults (16 or older and out of school) who reported in the decennial Census that they read and spoke English less than very well.”

Sec. 322 (2) (a)(3) – The WIA Draft maintains the 5% set-aside for state administration. Experience has shown that this is too low at existing funding levels for states to perform necessary and mandated administrative functions; and this WIA Draft increases the administrative burden on states. It is especially true of smaller states that receive only a few million dollars in federal adult education funding. There are certain irreducible mandated and necessary administrative costs that these states cannot perform adequately or at all. In some cases, states have augmented federal administrative funds for this program with state funds, but states are presently reducing their funding for all aspects of adult education, a reduction likely to continue for some years. It cannot be relied on as a means to ensure that programs will be adequately administered. This is, of course, necessary if Title III programs are to be effective as partners in the nation’s workforce development system. Similarly, funds for state leadership activities are inadequate – particularly in light of the long list of activities mandated or suggested by Sec. 233 (all of which are essential to development of an effective adult education system) that can be an effective partner in Title II programs. It may be that the nation would be better served by a system that may provide high quality service to fewer individuals than by a system that provides lower quality service to more. In the first option is favored, (a)(1) should read “shall use not less than 70% of the grant funds to award grants and contracts under section 331; (a) (2) should read “shall use not more than 20 percent of the grant funds to carry out state leadership activities under section 323”; (a)(3) should read “shall use not more than 10 percent of the grant funds or \$250,000, whichever is greater, for the administrative expenses of the eligible agency.” In this case, presumably reduction in individuals served directly by Title III as a result will be made up by contracts to provide Title III services to Title II agencies, which we think is more likely if Title III agencies provide the high quality service that requires these investments in administration and leadership functions. We also note that, with matching contributions from the states under 322(b), 95 percent of the amount of each state’s federal allotment will be available for Sec 331. However, we defer to the state ABE directors on the option taken in this matter.

Sec. 323. (a) (1) (B) – Delete “components of reading instruction” and insert “...components of reading, writing, and numeracy instruction and instruction for English language learners...” In general, incorporate into (a) (1) and (a)(2) any required or permissible activities in the AEEGA not included in this Draft.

Sec. 324 (Note: The following paragraph is essentially the same as our 112(b)(B) item in Title I above.)

In Section 112 (b)(B) above, we have proposed adding a new Sub-section viii which shall read “With regard to programs supported by Title III, how the state shall comply with the

*requirements of sub-section 324(b).” Then, Section 324 (the state plan section of Title III) should be changed to read: “(a) Each State desiring to receive funds under this title shall submit and have approved by the Secretary and the Secretary of Labor a unified State plan in accordance with Section 112 or a combined State plan in accordance with section 113, and (b) This State plan shall be comprehensive in nature and developed and monitored by a planning group of all stakeholders in the State’s adult education system. The stake holders shall include--(A) the agencies responsible for – (i) the State’s programs under this title and Title II; (ii) the State program funded under Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); (iii) overseeing community colleges; (iv) elementary and secondary education; (v) corrections; (vi) economic development; (vii) family literacy (if any), (viii) special services to immigrants; (B) representatives of business and organized labor. (c) The Secretary and the Secretary of Labor shall establish a peer review process to assist in the review and approval of State plans for this Title and shall appoint individuals representing the range of stakeholders to the peer review process, including (i) representatives of adult learners, adult education and literacy and workplace skills providers, eligible entities, State educational agencies, institutions of higher education , representatives of local or state workforce boards, and experts in the fields of adult education, literacy, and workforce skills. ” **REASON:** As indicated by the creation of Title III, adult education services are very different in nature from those supported by Title II. Among other differences, they directly affect and should reflect the needs of stakeholders beyond those represented on State Workforce Boards as defined in Sec. 111. Therefore, the development of state plans to implement adult education services requires the collaborative efforts of all stakeholders in adult education. Otherwise, these state plans may be deficient in content. Also Workforce Boards are mandated by this Act to review a great many programs, and it is unlikely that they will have the time and resources to adequately review the special requirements of adult education plans. Finally, due to the highly technical nature of Title III plans, a peer review process is required to ensure their adequacy.*

Sec. 333. Local Administrative Cost Limits – For the same reasons that a 5% administrative cap has proved damaging to State eligible entities, it has proved even more damaging to local eligible providers. Many of these are small and do not even have full time administrative staff. Given the many requirements placed on them by States and by this Act, they cannot manage programs to ensure high quality service. Therefore we recommend that in (1) 95 percent should be changed to 85 percent, and in (2) 5 percent should be changed to 15 percent.

Section 342 National Institute – General Observations: 1) The Institute should be named so as to embrace workforce skills as well as adult education and literacy, such as National Center for Adult Learning. 2) The Institute should be given much more responsibility to coordinate research in technology, along the lines proposed for the National Adult Learning Technology Center proposed in AEEGA of 2011. 3) We prefer the statement of Purpose in the AEEGA of 2011 (limited to sub-sections 243(a) (1)-(6),

and urge consideration of its adoption. 4) We suggest that Senate Staff should either adopt Titles III and IV of the AEEGA or substantially incorporate their provisions into the Institute at realistic budget levels.

Sec. 342 (c) –

1(A) should include “best practices in reading research, numeracy instruction, service to English language learners”;

(1) (B) should read “to advise members of the Interagency Group what measures they should take to coordinate....” [The Institute will not by itself have the standing to coordinate];

(C) should delete “as defined by the Institute for Education Sciences [much valuable research that does not meet those standards, including case studies and basic data collection, is needed by the field];

(F) should begin with “to fund a network of State or regional adult education and literacy resource center or resource centers specializing in various aspects of adult education and literacy (such as reading, numeracy, service to English Language Learners)...”;

(K) should read “to develop and disseminate best practices on the education, training, professional development, certification, and credentialing of adult education instructors.”;

A new sub-section (L) is needed which should read “not less than 4 years after the date of enactment of this Act, conduct an evaluation and submit a report to the Interagency Group, the Committee on Health, Labor, and Pensions of the Senate, the Committee on Education and Workforce of the House of Representatives and the general public on the effectiveness of programs funded under this title in achieving the Purposes of the title as stated in Sec (302) and the purposes of this Act and making recommendations for how their effectiveness might be increased – including: (i) a longitudinal study of outcomes for adult learners served under programs under this title; (ii) an analysis of the adequacy of the performance measures identified in AEEGA section 202; and (iii) recommendations for improved performance measures.

A new sub-section (M) should be inserted to read “conduct research on how states can most effectively develop systems of tracking the learning gains, educational attainment, postsecondary education and training, employment, and wage gains of individuals enrolled in programs supported by this title on a multi-year basis after their first enrollment, and provide technical assistance to the Secretary, states, and programs on how to adopt systems of research and reporting based on the findings of this research”

(N) should advise the Secretary on how to develop and measure the attainment benchmarks of progress to assist states in meeting performance measures under Sec. 131(b)(2)(A) (i), especially performance measure VII.

SECOND-LEVEL PRIORITY

Sec. 303 “Adult Education” – The wording “transition to postsecondary education and training” implies that readiness for job training must be at a college level. See also pages 5, 9, 32, 58. As stated, this is an unrealistic and unnecessary expectation for many lower-basic skill level and ESL students, and makes it unclear whether other important accomplishments (such as earning a work-readiness certificate) would be recognized as program outcomes. Consider changing the wording to “postsecondary education and job training”, as used in the Adult Education and Economic Growth Act of 2011 (AEEGA).

Sec. 303(1) (A) – 1 – After “speak” add “and comprehend.” This aligns with the correct definition implicit in Sec. 302(4)(A).

Sec. 303(7) – Delete sub-section B. There is no apparent need for it.

Sec. 305 – We suggest that the last two lines read “...or for integrated or sequential education and training that facilitates transitions.”

Sec. 311(a)(1)(A)(B) – Based on past experience CAAL believes that, due to possibly low appropriations levels, a 1.5 reservation may not be sufficient to carry out the many functions assigned to the National Institute by Sec. 342. We suggest that the language of (A) should read “*shall reserve 1.5 percent to carry out section 342 except that the amount reserved shall not be less than \$15 million or greater than \$30 million.*” Likewise, because this Act greatly expands the functions to be performed as National Leadership Activities under Sec. 343 and uses national leadership funding for sub-section (g), CAAL believes that the 1.5% reservation may not be adequate. We suggest that the language of (B) should be changed to read “*shall reserve 1.5% to carry out 343 and subsection g, except that the amount reserved shall not be less than \$10 million or greater than \$20 million.*” **REASON:** We propose that the total level of funding for 342 and 343 be on the order of the funding proposed for some of the individual experimental and demonstration grant programs authorized in the Staff draft by Sec. 270. If this is a reasonable level to fund an individual grant program, it is a reasonable level for these multi-function programs of activities.

Sec. 311(a)(2) – Delete the section, for the reasons given above.

Sec 311 (g) – We do not fully understand this section, but it appears to place an additional claim on already insufficient National Leadership funds. We suggest that this section be clarified.

Sec. 323 – State Leadership Activities have identified several required projects. But some of the “Permissible Activities” are so important to the implementation and success of this new Act that they should also be “required.” These include:

- (D) Content and models of integrated and sequential education and training
- (E) Assistance to local programs in developing, implementing, and measuring the progress of key provisions of this Act
- (G) Integration of literacy and English language instruction with occupational skill training, including linkages with employers
- (H) Promoting workplace adult education
- (K) Developing new and promising assessment tools and strategies.

Sec. 331 (b) – Add to the end of the section “or sequentially.” **REASON:** Because of the high cost of concurrent instruction and the small size of many eligible providers, many will not have the resources to provide concurrent instruction, nor is there any reason to always require that they do so.

Sec 331 (e) (4) (B) – Add to the end of the sub-section “and numeracy instruction and service to English language learners.”

Sec. 331 (e)(7) – In line 2 replace “including” with “such as”. **REASON:** Same as above.

Sec. 331(e)(11) – Add to the end of the subsection “or sequential education and training.”

Sec 342 (b) (3) should read ...”shall establish an annual operating plan and budget to accomplish the goals of the Institute....”

342 (e) (1) – We suggest striking “appointed by the President with the advice and Consent of the Senate” [in practice, this has created long delays in establishing and replenishing the Board and has not added to its stature] and substitute instead “with the approval of the Interagency Group”

Sec. 343

The National Leadership Activities section does not require any specific projects or activities. We know from experience with the current WIA implementation that unless

projects are specifically “required”, they may not be fully implemented. These activities are critical to the success of this new Act that they should be required:

- (b)(1)(A) Assistance to states for meeting requirements of Sec. 131
- (b)(1)(B) Assistance to local programs in using performance accountability measures
- (b)(1)(D) Assistance in distance education and use of technology
- (b)(1)(E) Development of models to meet digital literacy needs
- (b)(3)(D)(iii)(I) Developing programs for skill certification
- (b)(3)(D)(iii)(III) Developing integrated and sequential education and training programs
- (b)(3)(I) Special provision should be made for funding this “entity” to produce and distribute technology-based programs. An even better idea would be to directly fund a Technology Center, as provided in AEEGA Title III
- (b)(3)(J) Determining how participation in adult education activities prepares individuals for postsecondary education and for employment.