**Proposed E&T Monitoring, Oversight and Reporting Regulations**

May 16, 2016

Ms. Moira Johnston, Director

Office of Employment and Training

Food and Nutrition Service

3101 Park Center Drive

Room 806

Alexandria, VA 22302

Re: Interim Rule, SNAP: Employment and Training Program Monitoring, Oversight and Reporting Measures

Dear Ms. Johnston:

Thank you for the opportunity to comment on USDA’s interim final rule on monitoring the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) programs. We have serious concerns about the regulation and ask that USDA take steps to improve the rule before implementing.

*[NOTE: insert information introducing you/your organization and your interest in SNAP or job training].*

Because little was known about state E&T programs and how – or whether – states assessed their performance, the Agricultural Act of 2014 included a provision requiring states to report on measures that identify improvements in skills, training and experience of individuals participating in SNAP E&T. While states are given flexibility to set performance measures that align with the goals of their programs, the provision encourages reporting on basic employment outcomes as well as skills acquisition and other appropriate measures.

We were very supportive of this provision to require states to measure and assess how well a state’s E&T program meets the goals the state had set for its investment in training. As we work to improve employment and training efforts in our state, it will be extremely useful for us to have more basic information about these programs’ impacts. Policy makers cannot determine the best direction for our investments in E&T if they do not have data about the outcomes of the programs we operate. Consistent with the law, the proposed rule does include some sound suggestions for states on what measures to include in their performance reporting that captures both employment and earnings gains as well as skills acquisition and individuals’ progress on an employability path

Our view of the proposed rule, however, is informed more by what the proposal *excludes* than what it includes. We are extremely concerned that the required data reporting structure is highly flawed and will yield skewed results because it does not adequately capture the impacts of mandatory programs, for example job search and workfare – two of the most common components offered by states. The proposed rule does not require states to report on what share of individuals are asked or mandated to participate in an activity, nor does it require reporting on whether individuals do participate and whether the states sanction households’ SNAP benefits. This oversight is baffling given that Congress explicitly authorized USDA to make this type of information a required data element. Moreover, some states believe that sanctioning non-compliant individuals is a programmatic intervention that will spur non-working individuals to work. It’s hard to understand why USDA would want to capture data the outcomes of positive investments in skills and training but not ask states to assess the results of cutting off food assistance to very poor households.

Congress clearly believed that reporting on sanctions was important. The Agricultural Act of 2014 provision requires each state to include appropriate reporting measures for each E&T component it provides. The statute authorizes USDA to establish the reporting requirements, and explicitly lists a number of possible measures including those found in the interim final rule. The law also allows the Secretary to require states to report on the percentage and number of individuals who do not comply with E&T requirements and are sanctioned.

Including sanctions and lost benefits was a sensible approach. When participants do not or are not able to comply with a SNAP E&T requirement, it can lead to sanctions – and thus lost food assistance – instead of increased employability. In addition to documenting the potential negative outcome, this information may help to indicate a problem with the program’s design that could be addressed to increase more successful outcomes. It is also possible that states believe that sanctions will lead to increased employability by non-compliant E&T participants. While we do no share that view, we believe that it is imperative that states be asked to measure and track this outcome given that they are risking vulnerable household’s food security.

The interim final rule is focused on how states must track the progress of individuals who attend and complete E&T classes or activities on a voluntary basis, where the state offers individuals skills building opportunities. This is certainly worthwhile, but it wholly insufficient. The vast majority of individuals who are impacted by E&T are not in this category. There are two significant groups missing:

* The group of individuals who are asked or compelled to participate. Under the reporting measures, states would not be required to report on how many individuals they asked or obligated to participate in a particular program.
* The group of individuals who are sanctioned for failure to comply with an E&T requirement either as an upfront requirement or after they started an E&T component.

This undermines the usefulness of the information that is required to be reported, since it prevents states, FNS and interested state partners from understanding the overall effectiveness of all types of SNAP E&T activities. It misses whether individuals respond more positively to a voluntary program or whether large numbers of individuals do not understand a compulsory requirement.

The interim final rule is also out of synch with the types of E&T programs that many states are offering. We support state efforts to provide voluntary programs oriented at skills building to increase clients’ employability or wage potential. Most states, however, offer job search and work fare as their primary components. It’s crucial that USDA mandate specific measures that will allow the Secretary to assess these programs in a more meaningful way:

*NOTE: If you have information about the kind of program your own state is offering, this would be a good place for it.*

We offer the following specific recommendations.

The final rule must require states to report on individuals sanctioned in E&T programs.

We strongly urge FNS to require states to report information on the number and percent of people who are sanctioned as well as their employment information in order to provide insight into the effectiveness of mandatory programs on improving the earnings and employment outcomes. The Secretary has the authority to mandate such measures and we believe he must. Leaving it to states to set these measures, with potentially varying input from the seven FNS regional offices, risks missing critical information about the largest E&T components offered.

Mandatory job search and job search training account for the majority of training activities provided by states through SNAP E&T – in FY 2014, they comprised 51 percent of all activities, while in FY 2011, they made up 62 percent of all activities. Typically, mandatory programs result in individuals losing SNAP benefits if they are unable or unwilling to participate. Several states operate large-scale mandatory job search programs with sanction rates at 80 percent or more of all mandatory participants sanctioned without even starting the job search activity. Because the interim final rule requires reporting only on those individuals who have been placed and begun participating in an E&T activity, sanctioned individuals would not be counted – even if some of these individuals ended up finding employment.

States must be required to report on outcomes for all individuals who have been assigned or referred to E&T.

The preamble to the interim final rule describes a participant for reporting purposes as a SNAP applicant or participant who is placed in and begins an E&T component. This definition does not adequately capture the vast majority of individuals in SNAP who are required to participate in E&T activities.

Most SNAP E&T outcomes are not the result of ongoing participation in an E&T activity. Someone who is required to attend an initial orientation class but fails to show and is sanctioned from the program experiences an outcome. Even someone who is required to participate but is found exempt or unable to participate during the assessment process has experienced an outcome. As our state works to improve its E&T programs, information on the number and percentage of individuals who are assigned to an E&T activity is essential in order to be able to assess the effectiveness of the program.

For example, our state could inform 1000 individuals of a required E&T assessment but find that only 250 show up to the initial assessment and only 75 are ultimately assigned to a training activity. Reporting on the outcomes of only the 75, as the interim final rule requires, mischaracterizes the scope of the state’s E&T program. While the rule allows for more comprehensive reporting, it is not required (even though the statute permits the Secretary to do so). Tracking this information would allow states and FNS to identify parts of the overall E&T process that may need to redesigned, improved or abandoned. If the state sanctions some or all of the 750 individuals who were not assessed, it is even more important to balance the punitive measure (that sanctioned 750 individuals) with the outcomes of a training program (serving 75 individuals).

We urge the interim final reporting measures be modified to require states to report the following information:

* The number and percentage of individuals who asked to participate in an E&T activity;
* The number and percentage who were exempted from participation;
* The number and percentage who were sanctioned before actually participating in the activity; and
* The number and percentage of those who were sanctioned after beginning to participate.

This information would provide a much more accurate picture of the effectiveness of a states’ E&T program, by identifying how many people were supposed to participate, how many did and successfully finished the activity, and how many fell out along the way.

The interim final rule fails to appropriately define “completion of participation.”

The interim final rule fails to define what “completion of participation” means.  In WIOA, an individual’s employment outcomes are tracked when he or she has “exited from the program” which is defined as not having any program contact for 90 days.  This includes individuals who have attended the entire training component, as well as those who ceased participating at some point after initially engaging. Both measures are important to capture – identifying a program with a high dropout rate allows a state to assess the program to ensure its services are appropriate and effective. We recommend clarifying that “completion” means the same as “exit” in WIOA.

Conclusion

SNAP E&T is a unique job training program embedded in our nation’s primary food assistance program. It allows states to encourage or require low-income individuals who need basic food assistance to participate in job training activities. This offers opportunities to help individuals obtain the skills and experience necessary to find employment, but also presents a risk to those individuals who lose benefits under a mandatory E&T program. Both outcomes must be measured in order to fulfill the purpose of monitoring the effectiveness of SNAP E&T.

Under the statute, USDA has the authority to require states to include measures that capture all outcomes, including sanctions, as a part of their monitoring. Unfortunately, under the proposed rule, USDA fails to even list compliance as an optional measure for states to report. Losing the ability to feed oneself is an unfortunate, but important, outcome of many state E&T programs and must be included in any measure of the program’s effectiveness. The rule must be rewritten to require states to measure and track the outcomes of mandatory programs, including all sanctions.

Sincerely,