Unpacking Proposed WIOA Regulations

April 22, 2015

#unpackingWIOA @skillscoalition
Our Vision

We seek an America that grows its economy by investing in its people, so that every worker and every industry has the skills to compete and prosper.
Our Mission

• We **organize** broad-based coalitions seeking to raise the skills of America’s workers across a range of industries.

• We **advocate** for public policies that invest in what works, as informed by our members’ real-world expertise.

• And we **communicate** these goals to an American public seeking a vision for a strong U.S. economy that allows everyone to be part of its success.
Introduction and Overview

- WIOA signed into law July 2014
- Implementation begins July 1, 2015 – agencies issuing operating guidance on governance, youth, transition funds, and other topics
- DOL/ED/HHS must publish final rules governing WIOA by January 2016
Five NPRMs Issued April 2015

• 5 Notices of Proposed Rulemaking (NPRMs) released April 2015:
  – Joint rule (DOL/ED) covering state plans, performance, and one-stop operations
  – DOL rule governing Title I/III programs
  – ED rule governing Title II programs
  – 2 ED rules governing Title IV

• Public comments due on or before June 15, 2015
Key Topics for Today’s Webinar

• Unified/combined plans
• Regional planning
• Performance accountability
• Data access and use
• Sector partnerships
• Career pathways
• Career services & training services
• Adult education under Title II
State Unified and Combined Plans

- Unified Plans include the six core programs in WIOA
- Combined Plans include the six core programs plus one or more other programs
- 4-year Plans that must be modified every two years, or when there is a significant change
- States may submit modified plans at any time, including by adding another program to a Combined State Plan
- The Departments encourage states to submit Combined State Plans
Regional Planning

- The Governor must designate regions, consulting with local elected officials and boards.
- If the Governor assigns two or more WDAs to a region they are required to coordinate regional service strategies, regional sector initiatives, collection and analysis of regional labor market data, administrative costs, partnership with economic development agencies, and negotiation of local performance targets.
- Local plans must be incorporated into the regional plan, and the regional plan must include a description of the above coordinated activities.
Performance and Accountability

• States and local areas will be held accountable for the six primary indicators of performance in the statute

• 2 Employment Indicators: Employment in the 2nd Q after exit and employment in the 4th Q after exit. These are not measures of entered employment or employment retention

• The Departments may, however, collect/report information on entered employment and employment retention
Performance and Accountability

- **Skill Gains**: The Departments are considering measures of functioning levels, transcripts on educational units completed, skills exams, industry skill standards demonstrated

- **Effectiveness in Serving Employers**: The Departments are considering employment retention with the same employer, repeat employer customers, market share of employers

- The Departments are still working on defining these two indicators and are seeking comments. These two indicators will be phased-in over time
Performance and Accountability

• **Performance Goals and Sanctions** - States will be held accountable for achieving at least:
  – 90% of goal for each of the six Overall Program Scores
  – 90% of goal for each of the six Overall Indicator Scores
  – 50% of goal for each indicator

• Sanction for two years of failure: 5% of the 15% state set-a-side
Performance and Accountability

Departments’ Questions Include:

• Should exit be defined as exit from a program or exit from all WIOA services?
• Should effectiveness in serving employers be measured for each program or for WIOA as a whole?
• For the Overall Indicator Scores, Should programs count equally or be weighted by size?
• Should there be information collected on customer satisfaction?
• What should be the thresholds for determining failure?
Performance and Accountability

Eligible Training Providers
For eligibility determination:
States must have information on each program of study’s performance on:

• Employment during Q2
• Employment during Q4
• Median earnings during Q2
• Credential attainment for WIOA Title I-B-funded participants. Except for Apprenticeship
Performance and Accountability

Eligible Training Providers

For Eligibility Determination: Governors may set performance standards and may consider performance for all students.

For Federal Reporting: States must report performance for all students.
Data Access and Use

- Wage record rules clarified to enable performance reporting
- Education entities can get wage records to match data
- Possible expansion of state wage record exchange
Data Access and Use

• Performance targets adjusted based on economy & participants

• DOL must develop & improve labor market info, e.g. wage records
Boards and One-Stop Governance

• WDB Membership
  – State boards must be aligned with WIOA req’s by July 1, 2015
  – Clarifies membership requirements for labor, small business

• One-Stop Procurement
  – reaffirms competition requirements – operators must be in place by June 30, 2017
  – Outlines sole-sourcing options but suggests bar will be high
Sector Partnerships/Career Pathways

• WIOA requires states and local boards to development and implement industry or sector partnerships

• Career pathways also a required activity under Title I, II

• However, limited instruction provided on implementation, accountability for states, local areas
Career Services

• WIOA – core, intensive services merged into career services

• NPRM – proposes categorizing as “basic,” “individualized” and “follow-up” services Reiterates no sequence of services under WIOA

• Encourages outside contracts to ensure services for hard-to-serve populations
Training Services

• Individual training accounts – clarifies usage for registered apprenticeship, pre-apprenticeship, older youth participants

• Incumbent worker training – DOL seeks comment on structure, eligibility, “competitiveness” measure

• Clarifies that all training providers (except OJT/customized training) must be on ETPL
Youth Services

• Emphasizes work experience as “most important” program element

• Defines “occupational skills training,” clarifies that local areas must prioritize services leading to postsecondary credentials

• Clarifies appropriate duration of youth services
Title II: The Big Picture

• Formalizes & standardizes

• Spells out new “integrated” program requirements

• Solicits public comment on key items

• Leaves open (for later policy guidance?) details on “career pathways”
Integrated Education and Training

- Articulates required elements for Integrated Education & Training programs
- Proposes how such programs can meet requirement to be “for the purpose of educational and career advancement”
Integrated English Literacy and Civics/English Language Acquisition

- **Integrated English Literacy and Civics Education** - Articulates required elements for Integrated English Literacy and Civics Education programs

- **English Language Acquisition Programs** - Solicits comment on how such programs can satisfy the requirement that they lead to attainment of a high school diploma and transition to postsecondary education or employment
Adult Education Providers

• Solicits comment on how prospective adult education providers can demonstrate effectiveness

• Reiterates that local boards must review adult education applications
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www.nationalskillscoalition.org
Contact

• Bryan Wilson, State Policy Director – bryanw@nationalskillscoalition.org

• Rachel Zinn, Director, Workforce Data Quality Campaign – rachelz@workforcedqc.org

• Amanda Bergson-Shilcock, Senior Policy Analyst – amandabs@nationalskillscoalition.org

• Kermit Kaleba, Federal Policy Director – kermitk@nationalskillscoalition.org