

Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act, Docket No. ETA-2015-0006

National Skills Coalition Comments

September 2015

National Skills Coalition (NSC) — a broad-based coalition of business leaders, union affiliates, education and training providers, community-based organizations, and public workforce agencies advocating for policies that invest in the skills of U.S. workers — is pleased to submit the following comments regarding the proposed information collection request (ICR) “Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act,” Docket No. ETA-2015-0006.

WIOA replaces the Workforce Investment Act of 1998 (WIA), and reflects the growing recognition that in order to adequately address the skills needs of workers, jobseekers, and employers, we must do a better job of coordinating across multiple education, training, and supportive services programs. WIOA reflects a workforce system that is constantly evolving and innovating to keep up with the demands of today’s labor market, incorporating proven best practices such as industry or sector partnerships to ensure that training investments are connected to the needs of local and regional industries, and career pathways models that help to ensure that individuals at all skill levels have meaningful opportunities to advance with those target industries. WIOA also updates and expands the allowable activities across the WIOA core programs to strengthen the emphasis on job-driven training strategies and other successful models.

One of the most important changes under WIOA is the requirement that states develop either unified state plans – covering the six “core” programs authorized under WIOA – or combined state plans that include the core programs and at least one other program identified under section 103 of the law. This requirement was intended to encourage states to ensure that key workforce investments were aligned toward a common vision and strategy, and that stakeholders within those systems had an opportunity to engage in shared planning and implementation of the state’s strategy. Done correctly, National Skills Coalition believes that



unified and combined state planning can support significant improvements in service delivery and performance outcomes, ensuring that all workers and all businesses have the skills to compete and prosper in today's economy.

Overall, we believe that the ICR provides a reasonable synthesis of the required elements across both unified and combined state plans, and provides states with sufficient guidance to carry out the joint planning envisioned under the law. At the same time, we believe there are elements that could be strengthened to ensure that states and programs are moving towards true alignment across programs. We are therefore pleased to offer the following recommendations, which are arranged to correspond with their placement in the ICR.

Section II. Strategic Elements

Section II(a)(1)(A)(iii) – p. 6 Economic analysis of employers' employment needs

The ICR proposes that states include an assessment of employment needs of employers in certain industries and sectors, including a “description of the knowledge, skills, and abilities required, *including credentials and licenses.*” [Emphasis added] The highlighted language is not included in the statutory requirements at sec. 102(b)(1)(A)(ii).

National Skills Coalition supports expanding the required description of employer needs to include specific information relating to credentials and licenses, but we recommend replacing the current language referring to “credentials and licenses” with the words “recognized postsecondary credentials.” The latter is a defined term under sec. 3(52) of WIOA, and is inclusive of industry-recognized certificates or certifications, certificates of completion of an apprenticeship, licenses recognized by the state or federal government, and associate or baccalaureate degrees. Expanding the language to include all recognized postsecondary credentials would allow states to better align their analysis of employer needs with the performance goals required under section 116 of WIOA, which requires states to meet negotiated levels of performance for attainment of recognized postsecondary credentials across each of the core programs. This analysis would also help to inform state strategies with respect to improving access to postsecondary credentials, as required under sec. 102 of WIOA and described in section III(a)(2)(G) of the proposed ICR.

Section II(a)(1)(B) – p. 7 Workforce analysis, skill gaps

The ICR at section (II)(a)(1)(B) asks states to provide an analysis of the current workforce, including individuals with barriers to employment, and incorporates the statutory requirements for analyses of employment and unemployment data, labor market trends, and education and skill levels of the workforce (section II(a)(1)(B)(i) – (iii)). The ICR at sec. II(a)(1)(B)(iv) would also



require states to include a description of “apparent skill gaps,” which does not correspond with any statutory provisions under WIOA, and which term is not defined either in the law or in the ICR itself.

National Skills Coalition generally supports the presumed intent of this provision, which is to require states to analyze potential gaps between business demand for specific occupational skills and credentials and the current and projected supply of workers with such skills and credentials in the state. However, we are concerned that the current language provides limited guidance to states in defining or analyzing skill gaps, which will likely result in confusion for state planners. To address this concern, we recommend replacing the current language at (II)(a)(1)(B)(iv) with the following:

(iv) Describe current and projected gaps between employer skill needs identified in section (II)(a)(1)(A)(iii), and the current and projected education and skills of the workforce as identified in section (II)(a)(1)(B)(iii).

Section (II)(b)(4) – p. 7 Assessment of effectiveness of the State’s workforce system

The ICR at section (II)(b)(4) requires states to describe how they will assess the overall effectiveness of the workforce system, and adds language beyond the statutory requirements asking states to describe how they will use the results of the assessment and other feedback to make continuous or quality improvements. NSC supports the addition of this language, as it will encourage states to engage in ongoing assessments of performance and programmatic alignment, rather than as merely part of the state plan development process. Given the changing interrelationships and performance expectations for core programs under WIOA, it will be important for states to take an active role in evaluating implementation and integration of services, and making necessary changes in policy or practice to ensure that participants and employers are receiving adequate services.

Section (II)(c)(1) – p. 8 State strategies under WIOA sec. 101(d)(3)

At section (II)(c)(1), the ICR requires states to describe strategies that the state will implement, including “sector strategies and career pathways, as required by WIOA section 101(d)(3)(B), (D).”

National Skills Coalition strongly supports the ICR’s emphasis on career pathways consistent with the requirements under WIOA section 101(d)(3)(B). We believe that states play an important role in the development and implementation of successful career pathways – particularly in reducing barriers to alignment across programs and systems – and we believe it



is appropriate for states to describe their efforts to support career pathways in their unified or combined plans.

However, we are deeply concerned about the use of the term “sector strategies” in this element. WIOA section 101(d)(3)(D) does not use the term “sector strategies,” but instead requires states to support the “development and expansion of strategies for meeting the needs of employers, workers, and jobseekers, *particularly through industry or sector partnerships related to in-demand industry sectors and occupations.*” [Emphasis added]. While we recognize that the language at 101(d)(3)(D) can support strategies beyond industry or sector partnerships, we are concerned that the proposed language in the ICR obscures the clear emphasis on such partnerships under WIOA section 101, and the related requirement under WIOA section 134(a)(2)(B) that states must use a portion of state set-aside funds to assist local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships.

To avoid confusion and ensure that state plans are aligned with the requirements under WIOA, we would strongly recommend replacing the current language at section (II)(c)(1) with the following:

(1) Describe the strategies the State will implement, including industry or sector partnerships and career pathways as required by WIOA section 101(d)(3)(B), (D)."

Section (II)(c)(2) – p. 8 State strategies to align core programs and other resources

The ICR would require states to describe the strategies that will be used to align the core programs, any Combined State Plan partner programs included in the plan, mandatory and optional one-stop partner programs, and any other resources available to the state to achieve fully integrated customer services. The proposed language is more detailed than the requirements under WIOA section 101(b)(1)(E), which only references the alignment between core programs and “other resources available to the State.”

National Skills Coalition supports the use of more specific language relating to partner programs in this section, which will encourage states to increase coordination across the fullest possible range of workforce, education, and supportive services programs, including non-federal programs. We believe it would be helpful for future guidance to clarify the extent to which states must ensure mandatory and optional one-stop partner programs are engaged in the development and implementation of these state strategies to support greater alignment.



Section III. Operational Planning Elements

Section (III)(a)(2)(D) – p. 9 Coordination of employer services across programs

The ICR includes a requirement that states describe how core programs, Combined State Plan partner programs, and mandatory and optional one-stop partners will coordinate activities and resources to provide comprehensive, high-quality services to employers. This requirement is not one of the elements included in section 102(b)(2)(B), which otherwise roughly correspond with the state strategy implementation elements in section (III)(a)(2) of the ICR.

National Skills Coalition supports the inclusion of the proposed element, as we agree it is important for employer services to be at the forefront of any state workforce development strategy.

We would strongly recommend that this element be amended to include a description of how core programs and other partners will be aligned to support industry or sector partnerships. As described above, sector partnerships are a required use of funds at both the state and local levels under Title I of WIOA, but successful sector partnerships leverage resources from a range of programs beyond activities and services supported under Title I. The language should clarify that states can and should be coordinating and aligning services across programs in a manner that achieves the goals of such partnerships.

We would also note that many programs that could be included in a unified or combined plan do not generally provide direct services to employers, but can support important pre- and post-employment activities, including supportive services, which contribute to the overall quality and success of employer-focused strategies. The language of this element could be strengthened to clarify that the description required is not limited to direct employer services, but should also include any other programs and activities that will support service delivery to employers.

Section (III)(a)(2)(E) – p. 9 Strategies for engaging education and training providers

The ICR modifies the provision at WIOA section 102(b)(2)(B)(4) that requires the state plan to describe how the state's strategy will engage community colleges and area career and technical education (CTE) schools as partners in the workforce development system, expanding this provision to include all education and training providers. The ICR further modifies the statutory provision by requiring states (under proposed section (III)(a)(2)(F)) to describe how their strategies will enable the state to leverage other federal, state and local investments that have enhanced access to workforce development programs at such institutions.



While we support extending this requirement to cover a broader range of providers than community colleges and area CTE schools, we note that there is no formal definition of the term “education and training providers” under WIOA. It would be helpful to provide clarification on the scope of this requirement, explicitly stating that it is intended to cover all institutions that are, or could be, on a state’s eligible training provider list, including registered apprenticeship programs; and adult education programs supported under WIOA Title II.

Section III(b)(6) – p. 11-12 Alignment and integration of program data

The ICR at section (III)(b)(6)(A) includes a number of specific elements relating to data alignment and integration across core programs and other programs, that go beyond the requirements set forth in statute. Specifically, subsections (III)(b)(6)(A)(i)-(iii) require states to describe how states will make the management information systems for core programs interoperable; how the state will integrate data systems to facilitate streamlined intake and service delivery and track participation across programs; and how the state board will assist the governor in aligning technology and data systems across mandatory one-stop partner programs.¹

National Skills Coalition strongly supports the Departments’ efforts to strengthen coordination across core programs, Combine State Plan programs, and mandatory and optional one-stop partner programs, and we believe that alignment of data systems is a key step to achieving this goal. However, we caution that moving to true interoperability and integration of data management systems would likely require substantial outlays of time and money that may be difficult for states to meet, particularly in a time of level or declining federal resources. While we do not disagree with the intent of the proposed language, we feel that the requirements as currently drafted may go beyond what the agencies can reasonably require of states. We would therefore recommend that the elements at section (II)(b)(6)(A)(i) and (ii) be revised to require a description of any efforts that the state intends to make with respect to data system integration or interoperability, and clarifying that states are not required to make such efforts. The elements could also be amended to publicize the voluntary data standards developed by stakeholders through a Department of Education effort, which are designed to facilitate interoperability. The language could also promote the use of state longitudinal data systems as a tool for linking data across programs for assessment, evaluation, and performance reporting. There has been substantial state and federal investment in these systems, so they should be utilized when possible. Specifically, we would recommend that sections (II)(b)(6)(A)(i) and (ii) be amended to read as follows:

¹ Subsection (III)(b)(6)(A)(iii) appears to reflect the state board requirements under WIOA section 101(d)(8), but is not included in the state planning elements under WIOA section 102(b)(2)(C)(5)



- (i) *Describe the State's plans to make the management information systems for the core programs interoperable and/or leverage state longitudinal data systems (to the extent practicable) to maximize the efficient exchange of common data elements to support assessment, evaluation, and performance management. This may include adoption of the voluntary Common Education Data Standards offered by the U.S. Department of Education.*
- (ii) *Describe the State's plans to integrate data systems (to the extent practicable) to facilitate streamlined intake and service delivery, and to track participation and co-enrollment across all programs included in this plan.*

We believe the language at section (III)(b)(6)(A)(iii) should be retained as drafted, as it is consistent with the state board's statutory functions under WIOA section 101.

Section III(b)(8) – p. 12 Accessibility of one-stop delivery system

In the first sentence of this section, states are asked to describe how the one-stop delivery system (including one-stop center operators and one-stop delivery system partners) will comply with WIOA's physical and programmatic accessibility requirements for individuals with disabilities. At the end of the section, there is a parenthetical sentence that indicates that this requirement applies to core programs, which appears to be inconsistent with the language in the first sentence indicating that the requirement applies to one-stop delivery system partners. We would recommend that the agencies clarify this requirement.

Section IV. Coordination with Combined State Plan Programs

The ICR includes a requirement, for states submitting combined state plans, that the states describe the methods used for joint planning and coordination of the core programs and the other programs and activities covered by the plan. This reflects statutory requirements at WIOA Section 103(b)(3).

We would encourage the agencies to consider asking states to describe the methods used for joint planning and coordination of the core programs, even where the state opts to submit a unified state plan rather than a combined state plan. Given the relative complexity of unified planning compared to core program planning requirements under WIA, and the potential challenges core program agencies will face in achieving true integration and alignment of services during the implementation stage, it would be valuable for states to record their processes and identify areas where potential improvements could be made in advance of the required two-year modifications.



Section V. Common Assurances

Current section V.3 reflects the statutory requirement that lead state agencies with responsibility for the administration of core programs review and comment on appropriate operational planning elements of the Unified or Combined State Plan, and approve the elements as serving the needs of the populations served by such programs. To the extent that Combined State Plan partner programs are included in a given state plan, the review and approval requirement should be extended to the lead agencies or entities with responsibility for such Combined State Plan partner programs.

Section VI. Program-Specific Requirements for Core Programs

Adult, dislocated worker, and youth activities under Title I-B – p. 16-17

The ICR requires the inclusion of state policies or guidance for the statewide workforce development system and for the use of state funds for workforce investment activities, and requires descriptions of state strategies relating to Title I adult and dislocated worker programs.

We note that despite the requirement at WIOA section 134(a)(2)(B)(i) that states use statewide funds to support local areas by providing information on and support for the effective development, convening, and implementation of industry or sector partnerships, the ICR does not require states to describe what they will do in this section. Given the key role of industry or sector partnerships at both the state and the local levels under WIOA Title I, it would be useful for states to include this information in addition to the other descriptions required under (VI)(b).

Adult education and literacy programs – p. 23-25

While the requirements under this section generally appear to track with the statutory requirements at WIOA section 102(b)(2)(D)(ii), it appears that there is no specific element relating to integrated education and training, as required under WIOA section 102(b)(2)(D)(ii)(II)(dd). Integrated education and training programs have emerged in recent years as amongst the most promising strategies for connecting low-skilled individuals to high-quality workforce training, and it is therefore surprising that the Departments would omit this requirement. We strongly recommend that the Departments amend the ICR to include a requirement that states describe how they will fund and support such activities.



Section VII. Program Specific Requirements for Combined State Plan Partner Programs

While we recognize that the Departments are not seeking comments on Section VII, relating to the program-specific requirements for combined state plan partner programs, we think it may be valuable for the Departments to identify program-specific elements for such programs that may be adequately addressed through responses provided in Sections I-IV of the state plan.

For example, the program-specific elements for career and technical education programs under the Perkins Act include a detailed set of requirements under section I relating to “Planning, Coordination, and Collaboration Prior to State Plan Submission,” including specific requirements relating to public hearings and consultation with stakeholders in developing the Perkins plan. These provisions are similar, though not identical, to the assurances a state must provide in the unified state plan under WIOA section 102(b)(2)(E). The program-specific requirements for the Temporary Assistance for Needy Families (TANF) program (starting at p. 14 of the supplemental) appear to require a new and separate analysis of how the state’s workforce development activities are addressing the employment and training needs of TANF recipients, but do not clarify whether this requirement can be met as part of the overall strategic analysis required under WIOA or if it must be provided as part of a separate TANF section.

The Departments could support the development of stronger combined plans by developing crosswalks of substantially similar plan elements, and allowing states to respond to program-specific elements through incorporation by reference of responses to the combined plan.