WIOA Final Rules – Analysis of Key Provisions

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Speakers

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Setting the Stage – How we got here…

- July 2014 – WIOA signed into law
- April 2015 – NPRMs issued
- August 2015 - state plan ICR released
- September 2015 – performance accountability ICR released
- April 2016 – State plans due to federal agencies
Final Rules - Overview

• Five rules:
  – Joint rule (DOL/ED) covering state plans, performance, and one-stop operations
  – DOL-only rule governing Title I/III programs
  – ED rule governing Title II programs
  – Two ED rules governing Title IV

• Overall, relatively limited changes from NPRMs
Key Topics for Today’s Webinar

- State plans
- Performance accountability
- Data alignment and data sharing
- Sector partnerships and career pathways
- One-stop operations, youth provisions
- Title II Adult Education activities
State Plans

Changes from the NPRM:

• Require joint planning across workforce development system
• Removed required plan to develop information system interoperability
State Plans

The Departments declined to add regulatory language regarding:

- Sector Partnerships
- Career Pathways
- Priority of Service
Performance and Accountability

Primary Indicators of Performance

• Employment Rate during Q2,
• Median Earnings during Q2,
• Employment Rate during Q4,
• Credential Attainment Rate within one year

Final Rule: No Substantive Change

• Supplemental data
• Entered employment and employment retention
• Credential attainment
• Youth Earnings
Performance and Accountability

Skill Gains

• Functioning levels
• Transcripts on educational units completed
• Occupational exams, and
• Completion of major milestones
• But not, industry skill standards demonstrated

All participants in education/training count, no matter time of enrollment
Performance and Accountability

Effectiveness in Serving Employers

• 3 Options:
  • Employment retention
  • Repeat employer customers
  • Market share of employers

• State must choose 2 of the 3, and may have other(s)

• Pilot test
Performance and Accounting

NPRM Questions Included:

• Shared point of exit?
• Shared employer measure?
• Programs count equally or be weighted?
• Customer satisfaction measure?
• Job quality measure?
• Thresholds for determining failure?
• Transition period?
Performance and Accountability

The Departments’ Answers Are:

• Shared exit is state option, for now
• Shared measure for employers
• Programs will count equally
• Customer satisfaction to be developed
• 90% and 50% thresholds
• Accountable only once there is two-years of data
Performance and Accountability

Also worth noting:

• Individuals may count as participants and exiters more than one time per year
Performance and Accountability

Eligible Training Provider List

• Governors establish criteria
• States may measure provider performance
• Performance on all students
• Registered Apprenticeship Programs: It’s up to them
Data Alignment & Use

• Allow supplemental data sources in addition to wage records; guidance will elaborate

• Added flexibility on timeline for evaluations

• Target adjustment factors may be developed later
Data Alignment & Use

• Wage record rules clarified to enable performance reporting; education entity access

• More to come:
  – Guidance on data sharing
  – Guidance on credentials
  – Negotiations on multi-state wage record exchange
  – Workforce Information Advisory Council meets this week
Industry or Sector Partnerships

- Industry or sector partnerships are state, local requirement under WIOA
- Final rules do not set formal requirements
- Departments will issue guidance and technical assistance; will collect and disseminate best practices
Career Pathways

- WIOA sets state and local board requirements
- Final rule does not change NPRM language
- December 2015 – Career Pathways Toolkit
One Stop Operations under Title I

- **One Stop Partners** –
  - Perkins and TANF changes
  - “Direct linkage” requirements

- **Selection of One Stop Operators** – maintains competitive requirements

- **One Stop Infrastructure Costs** – new process, takes effect PY 2017
Youth Services

• Youth services do not require competitive bid unless LWDB elects

• Work experience – clarifies costs that may be counted towards 20 percent requirement
Title II: Adult Education & Family Literacy Act

• Big themes:
  – Threading the needle between requirements and flexibility
  – Affirming issues mandated by statute
  – Important guidance still to come
Adult Education Providers

- State have flexibility in setting process for Local Board review of Title II applications
- State agency should take Local Board comments into account; still has ultimate authority to make $ decisions
- States must consider providers’ responsiveness to serving individuals identified in Local WIOA plan as needing adult ed services
- Guidance forthcoming on infrastructure cost-sharing
Adult Education Participants

- Enabling transition to postsecondary is important; adult ed programs are not just about high school equivalency (HSE).
- Flexibility exists to serve individuals not in the labor force.
- Just because ESL program must lead to HSE, transition to postsec, or employment doesn’t mean every individual has to have that as their goal.
Performance & Title II

• All 6 common measures must be collected by Title II programs

• But only MSG will have a negotiated performance target in PY 2016-7 and PY 2017-8

• Other 5 measures are being collected to establish baseline during next two years

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Measurable Skill Gain

- In addition to test scores, states also allowed to report MSG through credits or Carnegie units (as awarded by adult high schools)
- Transition to postsecondary also counts as MSG
- Additional info on EFL reporting moved to joint performance regs

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Co-enrollment Across Titles I & II

• Strongly encourage co-enrollment

• Use of non-Title II funds to support occupational training is encouraged, but can still use Title II
Integrated Education and Training

• **Not** required of all Title II providers

• **Is** required for IEL/CE providers funded under Sec 243 (though does not have to be provided in-house)

• Even if a **provider** has to offer IET, not all **students** are required to participate
Integrated English Literacy/Civics Education

- Two ways IEL/CE can be provided: through Sec 231 and Sec 243
- Sec 231 does not require a connection to IET
- Sec 243 does require a connection to IET, but doesn’t have to be provided in-house, and the IET part doesn’t have to be funded via 243
- Individual IEL/CE participants’ co-enrollment in workforce is optional
Section 231 providers

• Does *not* have to include link to IET

Section 243 providers

• **Must** include link to IET
• IET can be provided in-house or through partner
• IET can be paid for with 243 $, but doesn’t have to be
• **Individual** participants **not** required to participate in IET
Corrections

- Definition of reentry initiatives -- “Release from prison” changed to “release from a correctional institution”

- Corrections **not** counted in most performance indicators; only MSG
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