WIOA Final Regulations & Immigrants

Webinar

August 23, 2016
Today’s Agenda

• A quick refresher: WIOA and how it serves immigrants
• Final regulations
  – Key themes
  – Important changes from the draft regulations
  – Guidance still to come
• Stay tuned: upcoming developments
• Your questions!
Today’s Presenters

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A Quick Refresher:
WIOA and How it Serves Immigrants
What’s WIOA? A Refresher

- Workforce Innovation and Opportunity Act (WIOA)
- Passed in 2014 with overwhelming, bipartisan support in the House (415-6) and Senate (95-3)
- Reauthorizes prior Workforce Investment Act (WIA) legislation

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WIOA is a Substantial Federal Investment in Job Training & Education

**Title I (workforce)**
- $2.62 billion in funding
- ~100,000 people served via job training*
- Millions more provided job-search assistance

**Title II (adult education)**
- $600 million in funding
- ~1.5 million people served via classes

* Does not include individuals served by Dislocated Worker funds.
Immigrants: A Growing Population

• Immigrants represent 13% of the US population and 17% of the US workforce

• A significant number of immigrants are eligible for WIOA services; specific requirements differ by program
How Do Immigrants Fit into Title I?

• Title I participants must be legally work-authorized

• Federal policy guidance affirms that Deferred Action for Childhood Arrivals (DACA) recipients are eligible for Title I services

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Understanding Immigration Status

• Three out of four immigrants (73%) in the US are legally authorized.

• Of the approximately 11 million undocumented immigrants, 750,000 have obtained temporary work authorization via Deferred Action for Childhood Arrivals (DACA)

Photo credit: USCIS
Title I: A Lack of Data

- There is **no national data** on how many **immigrants** are served under Title I
- Data on Limited English Proficient (**LEP**) participants shows:
  - Just **1.5%** of Adult participants who received training services were LEP (4,000 people *nationwide*)
  - Just **1.6%** of Dislocated Workers who received training services were LEP (3,000 people *nationwide*)
How Do Immigrants Fit into Title II?

• **Title II - Adult Education**
  
  *silent on immigration status*

  – Adult Basic Education
  – Adult Secondary Education
  – Integrated English Literacy/Civics Education (IEL/CE)

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Immigrants in Title II: Limited Data

- Title II does **not** collect information on the **nativity** of participants
- However, other data can help to shed light on participants who may be immigrants:
  - Roughly **700,000** Title II participants are enrolled in English language classes
  - At least **640,000** Title II participants have education from abroad

*These numbers include significant overlap, but they do not reflect two identical pools of participants. Some individuals who were educated abroad may be native English speakers, while some English learners may have purely US-based education.*
Final WIOA Regulations
Key Themes

• Creating **flexibility** for states and localities
• Responding to public comments
• Choosing to provide **non-regulatory guidance** in some areas

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Important Reminders

• There are **multiple sets of rules** (e.g., DOL only, ED only, joint rule, etc.)

• The Departments of Labor and Education have **differing infrastructure** for providing technical assistance & different mechanisms for issuing guidance
State & Local WIOA Plans

- State plans already approved; revisions due to feds September 2016
- States have more freedom to set process for local plans; WIOA Sec. 108 spells out some requirements
- Local plans must include 30-day public comment period
At the (Local) Planning Table

- Ensure that plans fully document immigrant demographics and needs

- **Analyze** local demographics in comparison to prior WIOA participants

- Consider **strategies** for providing WIOA services to eligible immigrants

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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
Adult Education Participants

- Flexibility exists to serve individuals not in the labor force
- Just because ESL program must lead to HSE, transition to postsecondary, or employment doesn’t mean every individual has to have that as their goal

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Performance Measures

WIOA creates a single set of six common performance measures across core programs, including:

- Unsubsidized employment;
- Median earnings;
- Receipt of a secondary diploma or recognized postsecondary credential;
- Measurable skill gains toward a credential or employment; and
- Effectiveness in serving employers
Measurable Skill Gain

Title I programs have 5 options to demonstrate MSG:

• Educational Functioning Levels
• Attainment of secondary school diploma or equivalent
• Transcripts on educational units completed
• Successful passage of occupational exams
• Completion of major milestones in training

Eliminated from final rule was 6th option for MSG: “measurable observable performance based on industry standards”

Title II programs will be using only Educational Functioning Levels and attainment of a secondary school diploma or equivalent to report on MSG.
Use of SSNs in Performance Reporting

- Generally, must use **quarterly wage record** information when reporting on performance indicators

- Typically involves use of participants’ Social Security Numbers (SSNs)

- Regs afford some flexibility in allowing states to use **supplemental info** when quarterly wage records are not available for a participant
Barriers to Employment

• WIOA mandates that state plans address how individuals with barriers to employment will be served

• “Barriers” are defined as including limited English skills, among others
Setting Performance Targets

- States will **negotiate performance targets** for each indicator for the WIOA core programs with the relevant federal departments.

- A June 2016 DOL Training and Employment Guidance Letter (**TEGL 26-15**) provides additional details on the process for setting and adjusting targets:

Out-of-School Youth

- WIOA expands percentage devoted to “Out of School Youth” (OSY) to 75% of total youth funds
- OSY= neither in school nor working
- OSY age range expanded to 16-24
Priority of Service

• WIOA requires **Title I Adult** career and training services to give POS to individuals who receive public assistance, or are low-income, or who are basic skills deficient

• **Basic skills deficient** includes individuals with limited English proficiency

• POS should be addressed in both the state and local plans
Co-enrollment Across Titles I & II

• Regs strongly encourage co-enrollment

• Use of non-Title II funds to support occupational training is encouraged, but can still use Title II
A Changing Landscape

• Still awaiting guidance in several areas, including:
  – Sector partnerships;
  – Career pathways;
  – Integrated Education and Training;
  – Priority of Service;
  – Use of SSNs in performance reporting
Awaiting Guidance: Sector Partnerships

• Can use WIOA statewide set-aside funds to develop or expand sector partnerships

• Local workforce boards must “develop, convene, or implement” sector partnerships

See examples: www.nfwsolutions.org/find-workforce-partnership
Awaiting Guidance: Career Pathways

- **State board must develop strategies** to support the use of career pathways

- **Local board must** lead efforts to develop and **implement** career pathways and include descriptions in local plans

- Statewide set-aside funds may be used to develop career pathways programs
The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including registered apprenticeships;

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.
A Work in Progress: Integrated Education & Training (IET)

• Regs clarified some issues; still many questions about program development and implementation

• Resources from the field:
  – Interviews with IET practitioners: www.calpro-online.org/onlinevideolibrary/iet.asp
  – Examples of nonprofit/community college partnerships to serve immigrant workers: www.ncwe.org/?page=BCPIW

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Integrated English Literacy and Civics Education

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

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Stay Tuned: Upcoming Developments
Mark Your Calendar

- **By September 2016**: States must respond to federal government with edits to their WIOA plans
- **Fall 2016?** WIOA Equal Employment Opportunity final regs
- **Rolling release**: policy guidance and TA
The Bottom Line

- WIOA is a work in progress
- The legislation’s ability to effectively serve immigrants depends in part on strong, engaged advocacy from the field

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Time for Questions!

• Please use the chat box to submit questions

• If we don’t have time to answer your question during the webinar, we’ll follow up by e-mail
Learn More

- **National Skills Coalition WIOA resources:**
  www.nationalskillscoalition.org/state-policy/workforce-innovation-opportunity-act-implementation

- **National Skills Coalition Immigration resources:**
  www.nationalskillscoalition.org/federal-policy/immigration

- **Migration Policy Institute workforce training resources:**
  www.migrationpolicy.org/topics/workforce-vocational-training
  *(Click on “Fact Sheets” tab to see state and county-level WIOA statistics)*
Federal WIOA Resources

- Department of Labor page: [https://doleta.gov/wioa/](https://doleta.gov/wioa/)
- Department of Education (OCTAE) page: [www.ed.gov/AEFLA](http://www.ed.gov/AEFLA)
- Innovation and Opportunity Network (ION) community of practice: [https://ion.workforcegps.org/](https://ion.workforcegps.org/)
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