**Transcript**

**WIOA Title I and TAA– State Plan TA Webcast**

**RANDY** Hello, this presentation will cover both cross-cutting and program specific sections of the State Plan requirements for the Workforce Innovation and Opportunity Act (WIOA) title I Adult, Dislocated Worker, and Youth formula programs.

This technical assistance is intended to provide thoughts and considerations for States to use when making modifications to their State Plans now or in the future.

Today’s presenters are Heather Fleck from the Employment and Training Administration’s Office of Workforce Investment, Governance Unit, along with myself, Randy Painter with ETA’s Office of Workforce Investment, Adult Services Unit, and Maisha Meminger with ETA’s Office of Workforce Investment, Youth Services Division.

Since the last time States submitted State Plans for approval in 2020, we have faced some challenges and responded with innovative solutions, and it is important for us to reflect on this as we look at State Plan modifications for 2022. In the past two years, we experienced a global pandemic and the resultant economic pressures, to which our workforce system responded while keeping staff and students healthy. We know this will continue to be reflected in state plans and performance benchmarks into 2022.

The State Plan modification process gives the Title I Adult, Dislocated Worker, and Youth programs the opportunity to look at the Plans with fresh eyes reflecting any updates based on new guidance or COVID-related disruptions, as well as to update to reflect new State and local economies, emerging industries, and to share the Governor’s vision and policies to leverage WIOA to reflect these changes.

From a program perspective, we can reflect on how are we are engaging businesses in a holistic manner, integrating services across programs to ensure job seekers get the best mix of services for their career needs, and ensuring we are investing resources in service strategies that work, like career pathways and sector strategies.

This is a chance for the WIOA Title I formula programs to look back on where we have been and to chart a path forward for where we are going.

State Plans must include analyses of State economic conditions, the workforce, and State workforce development activities; as well as a strategic vision and goals designed to address the findings from the analyses; and finally, a strategy for how the State will achieve said goals.

ETA will be looking for how States leverage labor market information (LMI) to serve adult and youth populations and how the programs will be leveraged to support a Governor’s vision for their State. To that end, ***TEGL 19-14*** and ***TEGL 04-15*** will provide relevant guidance.

ETA will be looking closely at how States develop Career Pathways, including apprenticeships, that are aligned with sector strategies based on current LMI and how those programs will fit into the larger State strategic vision, goals, and strategies.

State Plans must contain descriptions of how core programs and other one-stop partner programs will be assessed. ***TEGL 16-16*** provides valuable guidance regarding One-Stop operations, including the integration of core programs and other required one-stop partner programs in the American Job Center Network. States are encouraged to consider this guidance as they develop policies, procedures, and systems to ensure a high functioning One-Stop system. The guidance also provides requirements regarding the creation of one-stop certification standards.

The Departments encourage you to provide a more detailed discussion of the work that has been done and the work that is planned for the purposes of aligning AND integrating the data systems in the State. These should describe not only the goals but also the steps that the State will take to achieve those goals.

State Plans are required to include a description of how States will implement and monitor priority of service requirements. ***Section 9 of*** ***TEGL 19-16*** provides guidance regarding the servicing of priority populations, including veterans. The Department continues to place an emphasis on priority of service, and we will provide more detail a little later in this presentation.

State Plans also require the inclusion of a description on how States intend to ensure that American Job Centers are accessible both physically and programmatically to meet the needs of individuals with disabilities and English language learners. ***TEGL 16-16 the WIOA Operations TEGL and TEGL 4-15*** provide guidance on physical and programmatic accessibility for these populations as well as one-stop certification standards, including usage of technology in the one-stops. We encourage States to review the guidance to update their plans as appropriate to ensure policies meet the one-stop certification standards.

A great opportunity for improving coordination and alignment across multiple programs is through strong State Board membership. We understand that membership may have changed since your last State Plan submission, and this is an area you should update. In addition, ensure all core programs are represented on the Board—both Adult Education and Vocational Rehabilitation programs must have a unique representative, while Title I and Wagner-Peyser combined may have a single representative.

Updating Performance Targets are a key component for updating the WIOA State Plan modifications. This is an opportunity for the States to discuss how they are aligning and integrating workforce and education data systems across programs, making updates and modifications to management information systems, and sharing any other progress in improving the use of program data in service delivery.

Additionally, the chart on this slide indicates which primary indicators of performance are considered “baseline” for each title, and which primary indicators of performance must have targets proposed. State plans must have proposed targets for each cell labeled as “Expected Level” in the chart, and must *not* have proposed targets for those cells labeled “Baseline.” Please note there are changes to this table from the last State Plan Modification in 2020- for Adult and Dislocated Worker Title I programs: Measurable Skills Gains changed from Baseline to Expected Level, and Youth is now expected to propose a target for all but the Effectiveness in Serving Employers measure. Please be sure to review the 2022 requirements. Now I’ll turn it over to Heather.

**Heather:** Thank you, Randy. Now we are going to turn to some more program-specific requirements for the Adult, Dislocated Worker and Youth activities. This section includes some general requirements States must address that cut across all three of the funding streams. This includes what they plan to do with the statewide activities money, requirements around identification of regions and designation of local areas, as well as a few other requirements.

Some States may have re-evaluated the regions in their state in terms of how the economies are structured. In the State Plan modification, there is an opportunity for you to articulate what changes may have been made with regard to the local areas assigned to regions. In addition, we realize that some states have redesignated local areas—perhaps merging two or more local areas—or in some cases even adding a local area that wasn’t there previously.. If anything like that has changed in your state, you should address it in the state plan modification. And the reason for that is the availability of performance data which is one of the criteria used when assessing the continued designation of a local area.

Statewide activities are described in the WIOA Final Rules at **20 CFR 682**. This is an opportunity for States to discuss any strategies, priorities, or policies affecting the use of funds for statewide activities. Examples of this can include strategies to integrate apprenticeship models into State and Local service delivery and design.

For the statewide Rapid Response program description, ETA encourages States to review the WIOA Operating Guidance for Adult, Dislocated Worker, and the Employment Service in ***TEGL 19-16, Section 18***, as well as WIOA Final Rules at 20 CFR ***682.300***. Please provide a comprehensive overview of the operational structure (including where Rapid Response activities are carried out by entities other than the state), policies and procedures, taking particular care to describe your state’s definition for mass layoff as outlined as well as the required elements of your Rapid Response program.

We are especially interested in your description of layoff aversion approaches in your state, including use of Rapid Response funds for incumbent worker training, particularly in light of recent shifts in the labor force due to the impact of the COVID-19 pandemic.

Rapid Response is required to be delivered in response to a natural or other disaster that results in a mass layoff. This element of the plan requires a description of any policies, procedures, activities and partnerships that ensure that impacted individuals, businesses and communities receive necessary services following a disaster event.

Also the regulations require Rapid Response services be delivered to workers for whom a petition for Trade Adjustment Assistance has been filed. Please describe the process of coordinating between Rapid Response and TAA operations at the state level that ensure that all workers covered by a TAA petition receive Rapid Response services as necessary. More information on co-enrolling trade-affected workers with the Dislocated Worker program can be found in **TEGL 4-20**.

**Randy:** In regard to the Adult and Dislocated Worker Programs, State Plans must address five required elements:Work-Based Learning**,** Registered Apprenticeships**,** Eligible Training Providers**,** Priority of Service**,** andTransfers of funds between the Adult and Dislocated Worker programs. I will provide more detail on each of these required components in the follow slides.

States are required to describe their strategies for the use of work-based learning, including apprenticeships, in order to ensure high quality training for both participants and employers. The modification process provides States with the opportunity to describe their activities in greater detail or to describe any new work-based learning models implemented since the initial State Plan submission. Guidance on the adoption and use of work-based learning can be found in the WIOA Operating Guidance for Adults and Dislocated Workers in ***TEGL 19-16 and the Operating Guidance on WIOA and Registered Apprenticeship in TEGL 13-16***. States are also encouraged to utilize the resources on ***Workforce GPS*** found under the ***Innovation and Opportunity Network (ION)*** focus area devoted to services for adult job seekers and workers.

State Plans must include a description of how the State intends to incorporate Registered Apprenticeships into their strategy for service design and delivery. A modification to the State Plan should include any changes or updates that have been made to any strategies to include apprenticeship models in service delivery. One example would be that some AJC staff are involved and engaged in screening and assessments for current registered programs. States are encouraged to provide significant detail regarding how they ensure a streamlined process for adding registered apprenticeship programs to local and state eligible training provider lists. Additionally, States are encouraged to outline their procedures for participants who are dual-enrolled in apprenticeships and other types of work-based learning, including how progress is measured separately. Guidance regarding Registered Apprenticeships can be found in ***TEGL 13-16***.

**Heather:** States are required to describe their procedures, eligibility criteria, and information requirements for determining training provider initial and continued eligibility, including for Registered Apprenticeships. As stated previously, States are encouraged to describe in detail their processes for ensuring streamlined access for providers to statewide and local lists. We encourage States to review the WIOA Final Rules on Eligible Training Providers to ensure policies and procedures are up to date.

States are also encouraged to discuss how they are ensuring Registered Apprenticeship programs are added to both State and Local Eligible Training Provider Lists, with minimal burden. We encourage States to describe the policies and procedures they have for placing Registered Apprenticeships programs on ETP lists, any outreach strategies to identify or add new Registered Apprenticeship programs, and ensuring a process for inclusion on local ETP lists that does not impose additional local requirements for these programs. For more information on ETP reporting and eligibility, please refer to ***TEGL 3-18*** and ***TEGL 8-19, and their related Change 1 documents***.

**Randy:** The Department has placed renewed emphasis on the priority of service provision. Under WIOA sec. 134, American Job Center staff using WIOA Adult funds must give priority of service to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient (including English Language Learners). Per ***TEGL 7-20***, ETA envisions that **70 percent** of a state’s participants receiving individualized career and training services would be from at least one of the priority populations, with no less than **50 percent** of all served being from at least one of those populations.

States are required to describe how they will implement and monitor the priority of service requirement under WIOA, such as implementing local service benchmarks and monitoring procedures; integrating service delivery to support those priority populations; and developing a robust reporting framework. Guidance on serving priority populations can be found in the WIOA Operating Guidance for the Adult and Dislocated Worker programs at ***TEGL 19-16*** and ***TEGL 7-20***. The modification process provides an opportunity for States to describe any additional populations whom have been granted priority under the Governor’s discretion.

Veterans and eligible spouses are also a priority population under WIOA. This section of the State Plan provides an additional opportunity for States to describe their procedures for ensuring compliance with priority of service for Veterans also found in the Operational Elements section. Guidance for providing priority of service for veterans can also be found in the WIOA Operating Guidance for the Adult and Dislocated Worker programs at ***TEGL 19-16***.

Guidance regarding criteria for local area transfers of funds between the Adult and Dislocated Worker programs can be found in ***TEGL 19-16***. Local Workforce Development Boards, with the approval of the Governor, may transfer up to 100 percent of their Adult and Dislocated Worker funds between the two Title I programs. States are expected to share their policies used to evaluate transfer requests from local workforce areas. States should include those policies as part of the State Plan modification. ETA encourages the policy to take into account the employment and service needs of the local area for both job seekers and employers, current labor market information and demographics, consistency with strategies in local plans, performance implications, and any other considerations the Governor considers necessary to determine the appropriateness of a transfer.

I will now pass to Maisha from ETA’s Youth division to discuss specific requirements for the WIOA youth program.

**Maisha:** In regards to Youth Programs, State Plans must address six required elements; they must: Identify state developed criteria to be used by local boards awarding grants for youth workforce activities**;** Provide a description of strategies to achieve improve outcomes for out-of-school youth**;** Provide a description of how the state will ensure the availability of 14 Program Elements**;** Provide a policy to require additional assistance to enter and or complete an education or secure and hold employment**;** Provide a state definition of attending or not attending school, if available**;** andProvide a state definition of basic skills deficient, if available and necessary

This is the first of the youth program requirements questions in the state plan. This question only contains a minor change to add the phrase “or contracts” to the question related to awarding of youth service provider grants or contracts. States were asked to identify state developed criteria to be used by local boards in awarding grants for youth workforce investment activities. DOL elaborated on this requirement in ***TEGL 21-16***, published in March of 2017, which contains a section on competitive procurement. Please take a look at this guidance when responding to this state plan question. In the guidance, DOL encouraged local workforce development boards to award contracts to youth service providers using a competitive procurement process, when local areas have access to experienced and effective youth service providers.

State Plans must include a description of the strategies the state will use to achieve improved outcomes for out-of-school youth, including how it will leverage and align core programs, combined state plan partner programs, required and optional one-stop partner programs. The State Plan process provides an opportunity for states to describe additional strategies that may use in their focus on out-of-school youth as well as strategies to increase opportunities for the youth workforce system to partner across multiple programs, including Titles II and IV of WIOA, in order to develop a coordinated and comprehensive service delivery system to meet the needs of both ISY and OSY. Guidance on partnerships and collaborative opportunities can be found in ***TEGL 8-15***, section as well as in ***TEGL 21-16*** in its discussion on braiding of funds.

There was no change to this question in the ICR. States are required to describe how the state will ensure that all 14 program elements described in WIOA section 129 (c)(2) are made available and effectively implemented. Given that WIOA broadens the required program elements and focuses on serving a difficult to serve population, partnerships are critical under WIOA. Descriptions of each program elements as well as guidance on them can be found at ***TEGL 21-16***. The modification process provides an opportunity for States to elaborate on their delivery strategy for the program elements, particularly the five new program elements required under WIOA. Further the process provides an opportunity for States to describe their monitoring process to ensure locals are making the elements available and that they are effectively implemented.

This section of the state plan ICR was changed. States were required to provide their state policy for requiring additional assistance to enter or complete an educational program, or to secure and hold employment criterion for in-school and out-of-school youth. The 2018 modification clarified that if the State does not have a policy that defines the requires additional assistance criteria, then in the state plan the State must describe how they will ensure that local areas will have a policy for the requires additional assistance criteria. Guidance on the additional assistance barrier is found in ***TEGLs 8-15 and TEGL 21-16.***

This section of the state plan ICR was changed. The ICR includes a change that now requests that if state law does not define attending and not attending school, then in the state plan the state must include their state policy for determining whether a youth is attending or not attending school. Guidance on attending and not attending school is found in ***TEGLs 8-15 and 21-16.***

This section of the state plan ICR was changed. There was an error in the initial state plan ICR where the word “not” was inadvertently used and the question originally asked about if States were “not” using the second part of the basic skills deficient definition. In the new ICR we have corrected that error and this question now correctly asks about if a state is using the second part of the basic skills deficient definition found in WIOA Section 3(5)(B). If the state does use this part of the definition they must provide their state definition for it. If the state does not use the second part of the basic skills deficient definition they should indicate as such in their state plan. Guidance on basic skills deficiencies and assessments may be found in ***TEGL 21-16***.

**Heather:** Thank you, Maisha. Now I’d like to address considerations for states to submit waiver requests as part of the State Plan process. The waiver plan, which is included in the Information Collection Request, identifies which elements need to be included in a waiver request. The Secretary’s waiver authority under WIOA is a tool to promote workforce system innovation.

The Department is supportive of waivers that are within the Secretary’s waiver authority and where the state can articulate in its waiver request how the proposed waiver will improve job seeker and employer outcomes, or otherwise achieve positive outcomes. Requests must address: The statutory and/or regulatory requirements the State would like to waive; Actions the State has undertaken to remove State or local barriers; State strategic goal(s) and Department of Labor priorities; Projected programmatic outcomes resulting from implementation of the waiver; Individuals, groups or populations benefitting from the waiver; How the State plans to monitor waiver implementation, including collection of waiver outcome information; and Assurance of State posting of the request for public comment. Which it should be anyway as part of the State Plan public comment.

For any waiver requests that are renewals, states must provide information about past implementation of the waiver and the outcomes and results achieved by using it. Please review TEGL 08-18 for further information.

That wraps up the Title I portion of this presentation. Now I’d like to briefly touch on inclusion of a Combined Plan partner programs administered by the Employment and Training Administration. The Trade Adjustment Assistance program may be included as a Combined Plan partner program, however there are no program-specific state planning requirements for TAA. The Department will consider TAA as an included program if it is reflected in the discussion in the strategic and operations sections of the WIOA State Plan, in addition to the requirements that are specified in the Title I program specific portion of the planning requirements.

These next slides provide links to the various resources referenced throughout this presentation and other technical assistance materials. We encourage you to utilize all of them as appropriate to your needs and hope you find them useful for the continued implementation of the Workforce Innovation and Opportunity Act.

Thank you so much for joining Randy, Maisha, and myself for today’s webcast. Should you have questions going forward, please contact your ETA regional office.