



## **Workforce Innovation and Opportunity Act (WIOA) Governor/State Shall and *May* Provisions**

### **Title I--Workforce Investment Activities and Providers (pages 16-184)**

#### **Subtitle A--System Alignment (pages 16-57)**

##### **Chapter 1--State Provisions**

###### **Section 101. State Workforce Development Boards (page 16)**

- Governor **shall** establish a State Workforce Development Board and appoint members (page 16)
- Governor **shall** select a chairperson of the State Board from the business community (page 17)

###### **Section 102. Unified State Plan (page 20)**

- **Governor shall** submit a 4-Year Unified State Plan for core programs (Adult, DW, Youth, WP, Adult Ed & Literacy and Voc Rehab) to the Secretary of Labor for approval. (page 20). The Unified State Plan is due by March 2, 2016.

###### **Section 103. Combined State Plans (page 26)**

- **State/Governor may** develop and submit to the appropriate Secretaries a combined State plan for the core programs and 1 or more of the programs and activities in lieu of submitting multiple plans. The additional programs include: Career & Technical Education (Carl Perkins); Title IV of the SSA; Food and Nutrition Act of 2008 (SNAP), Work programs under the Food and Nutrition Act of 2008, TAA, Job Services for Veterans, UI, Older Americans Act (Title V), HUD E&T, CSBG E&T, Second Chance Act.

##### **Chapter 2--Local Provisions**

###### **Section 106. Workforce Development Areas (pages 28-32)**

- The **State shall** identify regions in the state after consultation with the local boards and chief elected officials. This shall be done before the second full program year after the date of enactment (page 28).
- As part of the local area designation, in order for a state to receive an allotment, the Governor of a **State shall** designate local workforce development areas within the State through: (i) consultation with the State Board; and (ii) after consultation with chief elected officials and local boards, and after consideration of comments received from the public comment process (page 29).

- As part of the local area designation, the **Governor shall** take into consideration those areas already designated as well as based on considerations consisting of the extent to which the areas are consistent with labor market areas in the State; are consistent with regional economic development areas in the State; and have the Federal and non-Federal resources necessary to effectively administer activities under subtitle B and other applicable provisions of the Act, including whether the areas have the appropriate education and training providers, such as institutions of higher education and area career and technical education schools (page 29).
- During the first 2 full program years following the date of enactment of WIOA, the **Governor shall** approve a request for **initial designation** as a local area from any area that was designated as a local area under WIA and performed successfully and sustained fiscal integrity (page 29).
- **Subsequent designation (page 29)--Governor shall** approve a request for subsequent designation as a local area if such area performed successfully, sustained fiscal integrity and in the case of a local area in a planning region, met the requirements under regional coordination.
- **Designation on Recommendation of State Board (pages 29-30)--The Governor may** approve a request from any unit of general local government for designation of an area as a local area if the State Board determines, based on considerations under regional planning, and recommends to the Governor, that such area should be so designated.
- **Re-designation Assistance (page 30)--**On the request of all local areas in a planning region, the State shall provide funding from funds made available under sections 128 (a and 133a1 to assist the local areas in carrying out activities to facilitate the re-designation of the local areas to a single area.
- **Regional Plans (pages 30-31)--The State**, after consultation with local boards and chief elected officials for the planning regions, **shall** require the local boards and chief elected officials within a planning region to prepare, submit, and obtain approval of a single regional plan that includes a description of the activities described in paragraph 1 and that incorporate plans for each of the local areas in the planning region. The State shall provide technical assistance and labor market data, as requested by local areas, to assist with such regional planning and subsequent service delivery efforts.
- **Single State Local Areas (page 31)--**If a Governor decides to continue as a single State local area (per under WIA), then the In the case such designation, the **Governor shall** identify the State as a local area in the State plan. In these cases, the State Board shall carry out the functions of a local board, as specified in the Act, but the State shall not be required to meet and report on a set of local performance accountability measures.
- **Single State Local Areas-Continuation of Previous Designation (page 31)--The Governor of any State that was a single State local area under WIA may** designate the State as a single State local area for the purposes of this title. In the case such designation, the **Governor shall** identify the State as a local area in the State plan.

#### **Section 107. Local Workforce Development Boards (pages 32-42)**

- **Membership (page 32)--The Governor, in partnership with the State Board, shall establish criteria** for use by chief elected officials in the local areas for appointment of members of the local boards in such local areas in accordance with the requirements of the Section 107(2)-- (composition of the board).
- **Lack of Agreement (page 35)--If, after a reasonable effort, the chief elected officials are unable to reach agreement as provided under clause (i), the Governor may** appoint the members of a local board from individuals so nominated or recommended.

- **Certification (page 35)**--The **Governor shall**, once every 2 years, certify 1 local board for each area in the State. Such certification shall be based on criteria established under subsection (b), and for a second or subsequent certification, the extent to which the local board as ensured that workforce investment activities carried out in the local area have enabled the local area to meet the corresponding performance accountability measures and achieve sustained fiscal integrity, as defined in section 106(e)(2).
- **Decertification (page 35)**--Failure of a local board to achieve certification shall result in appointment and certification of a new local board for the local area pursuant to the process described in paragraph of Section 107. The **Governor shall** have the authority to decertify a local board at any time after providing notice and an opportunity for comment for: 1) Fraud, Abuse, Failure to Carryout Functions; 2) Non-performance (2 consecutive years).
- **Decertification (page 35)**--*If the Governor decertifies a local board for a local area, the **Governor may** require that a new local board be appointed and certified for the local area pursuant to a reorganization plan developed by the Governor, in consultation with the chief elected official in the local area and in accordance with the criteria established under this section.*
- **Single State Local Area (page 36)**: If a State is designated as a Single State Local Area, then the State Board shall carry out the functions of a local board or the provisions authorizing a core program, including the functions described in subsection (d)--(local board functions).
- **Negotiation of Local Performance Accountability (page 38)**--The local board, the chief elected official, and the **Governor shall** negotiate and reach agreement on local performance accountability measures as described in section 116(c).
- **Consumer Choice Requirements (page 39)**--Consistent with section 122 and paragraphs (2) and (3) of section 134(c), the local board **shall work with the State** to ensure there are sufficient numbers and types of providers of career services (including eligible providers with expertise in assisting individuals with disabilities and eligible providers with expertise in assisting adults in need of adult education and literacy activities) serving the local area and providing the services involved in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities.
- **Budget and Administration (page 40)**--*If a Governor is serving as the local grant recipient (single state area), **they may** designate an entity to serve as a local grant subrecipient for such funds or as a local fiscal agent. Such designation shall not relieve the chief elected official or Governor of the liability for any misuse of grant funds as described in subclause (I).*
- **Waivers of Training Prohibition (pages 41-42)**--*The **Governor** of the State in which a local board is located **may**, pursuant to a request from the local board, grant a written waiver of the prohibition set forth in subparagraph (A) (relating to the provision of training services) for a program of training services, if the local board can show evidence that there are insufficient training providers (this section describes what the local board must show). **The Governor shall** have the authority to revoke the waiver during the appropriate period if the Governor determines the waiver is no longer needed or that the local board has engaged in a pattern of inappropriate referrals to training services operated by the local board.*
- **Alternative Entity (page 42)**--*A State may use any local entity (including a local council, regional workforce development board, or similar entity), that is established to serve the local area that most closely corresponds to the local area, was in existence on the day before enactment of WIOA and includes representatives of businesses in the local area, representatives of labor organizations and other reps of employees in the local area.*

### **Section 108. Local Plan (pages 42-47)**

- A **local plan submitted to the Governor** under this section (including a modification to such local plan) **shall** be considered to be approved by the Governor at the end of the 90-day period beginning on the day the Governor receives the plan, unless the Governor makes a written determination during the 90-day period that: 1) deficiencies in activities carried out under this subtitle have been identified, through audits conducted under section 184 or otherwise, and the local area has not made acceptable progress in implementing corrective measures to address the deficiencies; 2) the plan does not comply with the applicable provisions of WIOA; or 3) the plan does not align with the State Plan, including failing to provide for alignment of the core programs to support the strategy identified in the State Plan in accordance with Section 102(b)(1)(E) (pages 46-47)

### **Chapter 3--Board Provisions**

#### **Section 111. Funding of State and Local Boards (page 47)**

- A **State shall** use the funds available under sections 129(b)(3) and 132(a)(3)(B) to fund State and Local Boards. *The State may also use non-Federal funds available to a state that the State determines are appropriate and available for that use.*
- In funding a local board, the chief elected official and the local board for the local area shall use funds available as described in section 128(b)(4); and may use non-Federal funds available to the local area that the chief local elected official and local board determine are appropriate and available for that use.

### **Chapter 4--Performance Accountability**

#### **Section 116. Performance Accountability (pages 47-57)**

- **State Performance Accountability Measures (page 47-49 )**--For each **State**, the performance accountability measures for the core programs (Adult, Dislocated Workers, Youth, Adult Education and Literacy activities authorized under Title II, Wagner-Peyser and the program authorized under Title I of the Rehabilitation Act of 1973) **shall** consist of the indicators described in his section of the Act.
- **Levels of Performance (page 49)**--For each **State** submitting a State plan, there **shall** be established, in accordance with this subparagraph, levels of performance for each of the corresponding primary indicators of performance described in paragraph (2) for each of the core programs described above (Adult, Dislocated Workers, Youth, Adult Education and Literacy activities authorized under Title II, Wagner-Peyser and the program authorized under Title I of the Rehabilitation Act of 1973).
- **Agreement on State Adjusted Levels of Performance (page 49-50)**--The **State shall** reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance for each indicator for each of the core programs for each of the first 2 program years covered in the State plan. In reaching agreement, the State and the Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v)--(economic factors). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to approval of such plan.
- **Additional Indicators (page 49)**--A **State may** identify in the State Plan additional performance accountability measures.

- **Third and Fourth Year (page 50)**--The *State and the Secretary of Labor*, in conjunction with the Secretary of Education, **shall** reach agreement, prior to the third program year covered by the State plan, on levels of performance for each indicator for the core programs for each of the third and fourth programs covered by the State plan. In reaching agreement, the State and the Secretary of Labor, in conjunction with the Secretary of Education, shall take into account the factors described in clause (v)--(economic factors). The levels agreed to shall be considered to be the State adjusted levels of performance for the State for such program years and shall be incorporated into the State plan prior to approval of such plan.
- **Levels of Performance for Additional Indicators (page 51)**--A **State may identify**, in the State plan, State levels of performance for each of the additional indicators identified above. Such levels shall be considered to be State adjusted levels of performance for purposes of this section.
- **Local Level of Performance (page 52)**--The local board, the chief elected official and the **Governor shall** negotiate and reach agreement on local levels of performance based on the State adjusted levels of performance established in this section.
- **Adjustment Factors (page 52)**--In negotiating the local levels of performance, the local board, chief elected official and the **Governor shall** make adjustments for the expected economic conditions and the expected characteristics of participants to be served in the local area, using the statistical adjustment model developed pursuant to subsection (b)(3)(A)(viii). In addition, the negotiated local levels of performance applicable to a program year shall be revised to reflect the actual economic conditions experienced and the characteristics of the populations served in the local area during each program year using the statistical adjustment model.
- **Contents of State Performance Reports (pages 52-53)**--This section outlines the specific items that **shall** be included in the State Performance Reports.
- **Contents of Local Area Performance Reports (page 53)**--This section outlines the specific items that **shall** be included in the Local Area Performance Reports.
- **Contents of Eligible Training Providers Performance Reports (pages 53-54)**--This section describes the required performance reports for an eligible provider of training services under section 122.
- **Data Validation (page 54)**--In preparing State reports, each **State shall** establish procedures, consistent with guidelines issued by the Secretary, in conjunction with the Secretary of Education, to ensure the information contained in the reports is valid and reliable.
- **Publication (page 54)**--The **State shall** make available (including by electronic means), in an easily understandable format, the performance reports for the local areas containing the information described in paragraph (3) and the performance reports for eligible providers of training services containing the information described in paragraph (4).
- **Evaluation of State Programs and Design and Results (page 55)**--The **State**, in coordination with local boards in the State and the State agencies responsible for administration of the core programs, **shall** conduct ongoing evaluations of activities carried out in the State under such programs. The **State, local boards and State agencies shall** conduct the evaluations in order to promote, establish, implement, and utilize methods for continuously improving core program activities in order to achieve high-level performance within, and high-level outcomes from, the workforce development system. The **State shall** coordinate the evaluations with the evaluations provided by the Secretary of Labor and the Secretary of Education under the Act. The evaluations **shall** be designed in conjunction with the State board, State agencies responsible for the administration of the core programs, and local boards and shall include analysis of customer feedback and outcome and process measures in the statewide workforce development system. The **State shall** annually prepare, submit to the State board and local boards in the State, and

make available to the public (including by electronic means), reports containing the results of evaluations conducted under this subsection, to promote the efficiency and effectiveness of the workforce development system. The **State shall**, to the extent practicable, cooperate in the conduct of evaluations by the Secretary of Labor as required by the Act.

- **Sanctions (page 55-57)**--States that fail to meet the State adjusted levels of performance **will** get TA from the Secretary of Labor and Education. If a local areas fail to meet their adjusted levels of performance, the **Governor** or upon request by the Governor, the Secretary of Labor **shall** provide will also get TA and assist in a modified plan, if necessary. If after two years, a State fails to submit a performance report, the percentage of each amount that would (in the absence of this paragraph) be reserved by the Governor under section 128(a)--State Set-Aside--for the immediately succeeding program year **shall** be reduced by 5 percentage points until such date as the Secretary of Labor or the Secretary of Education, as appropriate, determines that the State meets such State adjusted levels of performance and has submitted such reports for the appropriate program years.
- **Corrective Action (page 56)**--If such failures continues to a third consecutive year, the **Governor shall** take corrective action, which shall include development of a reorganization plan through which the Governor shall: 1) require the appointment and certification of a new local board; 2) prohibit the use of eligible training providers and one-stop partners identified as achieving a poor level of performance; 3) take other significant actions as the Governor determines appropriate.
- **Appeal to the Governor (page 56-57)**--A local board and local elected official can appeal to the Governor on this reorganization and the **Governor shall** make a final determination within 30 days after receipt of the appeal.
- **Fiscal and Management Accountability Information Systems (page 57)**--The **Governor, in coordination with the State Board, the State agencies administering the core programs**, local boards and chief elected officials, **shall** establish and operate a fiscal and management accountability information system based on guidelines established by the Secretary of Labor and the Secretary of Education after consultation with the Governors of States, chief elected officials, and one-stop partners.
- **Wage Records (page 57)**--In measuring the progress of the State on State and local performance accountability measures, a **State shall** use quarterly wage records, consistent with State law, to ensure that the wage records of any State are required by the State in carrying out the State plan in the State or completing the annual report described in subsection (d). In carrying out the requirements of this Act, the **State shall** comply with section 444 of the General Education Provisions Act (20 U.S.C. 123g).
- **Establishing Pay-for-Performance Contract Strategy Incentives (page 57)**--*Using non-Federal funds, the **Governor may** establish incentives for local boards to implement pay-for-performance contract strategies for the delivery of training services described in section 134(c)(3) or activities described in section 129(c)(2) in the local areas served by the local boards.*

## Subtitle B--Workforce Investment Activities and Providers (pages 57-113)

### Chapter 1--Workforce Investment Activities and Providers

#### Sec. 121. Establishment of One-Stop Delivery Systems (pages 57-68)

- Subsection (d) One-Stop Operators
  - **State and Local Board shall not** establish disincentives to serving individuals with barriers, and other one-stop operator oversight activities. (page 61)
  
- Subsection (e) Establishment of One-Stop Delivery System
  - **State shall** establish a one-stop system (including at least 1 physical center in each local area for each required partner program) meeting requirements including providing career services, access to training services, access to employment and training activities, and access to data. (page 61)
  - **One-Stop system may establish** a network of affiliated sites and eligible one-stop partners providing physical or virtual access to programs (page 62)
  - **Employment Service offices shall colocate** one-stop centers and employment service offices (page 62)
  - **One-Stop System shall use** common one-stop delivery system identifier in addition to any state or local identifier (page 62)

#### Subsection (g) Certification and Continuous Improvement of One-Stop Centers

- **State Board**, in consultation with chief elected officials and local boards, **shall** establish criteria for locals to assess accessibility ADA compliance, in order to receive infrastructure funds (page 63)
- *Local Board may Establish additional criteria (pages 63-64)*
- **State Board or Local Board shall** Review ADA accessibility compliance criteria biennially (page 64)

#### Subsection (h) Funding of One-Stop Infrastructure

- *Local Board, Chief Elected Officials, and One-Stop Partners may agree to a method for funding infrastructure in lieu of state funding mechanism, if consensus is reached (page 64)*
- **Governor (in consultation, etc.) shall** provide guidelines for determining partners' contributions to infrastructure funds, and for establishing equitable and stable funding methods in local areas (pages 64-65)
- **Governor (in consultation, etc.) shall** determine the portion of infrastructure funds to be provided by each one-stop partner (pages 65-66)
- **Governor shall** establish an appeals process for infrastructure funding contributions (page 67)
- **Governor shall** allocate infrastructure funding to locals (page 67)
- **State Board shall** develop the infrastructure funding formula for the governor (pages 67-68)

#### Subsection (i) Other Funds

- **State Board shall** provide guidance on appropriate allocation of other funds and noncash resources in local areas (page 68)

## **Sec. 122. Identification of Eligible Providers of Training Services (pages 68-74)**

### Subsection (a) Eligibility

- **Governor, after consultation with the State board, shall** establish criteria & procedures regarding eligible providers (pages 68, 73)

### Subsection (b) Criteria and Information Requirements

- **Governor shall** take into account performance, access, and other factors when establishing criteria for eligible providers (pages 69-70)
- **Governor shall** require eligible providers to submit information on program participants (page 70)
- **Local Board may** establish additional criteria for eligible training providers (Pages 70)
- **Governor shall** require first-time eligible training providers to submit performance information (page 71)

### Subsection (c) Procedures

- **Governor shall** include application process and appeal process in establishment of procedures regarding eligible training providers (page 71)
- **Governor shall** provide for biennial review and renewal of eligibility in establishing procedures regarding eligible training providers (page 72)

### Subsection (d) List and Information to Assist Participants in Choosing Providers

- **Governor shall** make available a list of eligible providers with information to help participants make informed choices (page 72)

### Subsection (e) Opportunity to Submit Comments

- **Governor shall** provide public comment period for eligible training provider procedures (page 72)

### Subsection (f) Enforcement

- **Governor shall** include enforcement provisions in procedures for eligible training providers (pages 72-73)

### Subsection (g) Agreements with Other States

- **States may** enter reciprocal agreements to accept ITA's provided in another state (page 73)

### Subsection (i) Transition Period for Implementation

- **Governor may** establish transition procedures for current WIA eligible training providers to facilitate early implementation of WIOA (pages 73-74)

## **Chapter 2--Youth Workforce Investment Activities**

### **Sec. 127. State Allotments (pages 74-78)**

#### Subsection (c) Reallotment

- **Governor shall** establish reallotment procedures (page 78)

## **Sec. 128. Within State Allocations (pages 78-80)**

### Subsection (a) Reservation for Statewide Activities

- **Governor shall** reserve up to 15% of youth allotment for statewide activities (page 78)
- **Governor may** use state set-aside for statewide activities or statewide employment and training activities (page 78)

### Subsection (b) Within State Allocations

- **Governor (in consultation, etc.) shall** allocate youth funds to local areas by a prescribed formula. (pages 78-79)
- **State may** distribute a portion of youth funds based on other discretionary factors related to youth poverty, etc. (page 79)

### Subsection (c) Reallocation among Local Areas

- **Governor may** reallocate funds from local areas with unobligated amounts over 20% (page 80)
- **Governor shall** if reallocating, reallocate to eligible local areas based on their relative allocations (page 80)

## **Sec. 129. Use of Funds for Youth Workforce Investment Activities (pages 80-87)**

### Subsection (a) Youth Participant Eligibility

- **State may** request a waiver to decrease the required OOS percentage from 75% to 50% if certain conditions are met (page 82)

### Subsection (b) Statewide Activities

- **Governor/State shall** use set-aside funds for required statewide youth activities including:
  - conducting evaluations,
  - disseminating a list of eligible providers of youth workforce investment activities,
  - providing assistance to local areas for coordination of activities,
  - operating an accountability system, carrying out monitoring and oversight, and
  - providing additional assistance to locals with high concentrations of eligible youth. (pages 82-83)
- **Governor/State may** use set-aside funds for statewide youth activities including
  - conducting research and demonstration projects related to meeting educational and employment needs of youth;
  - supporting development of alternative evidence based programs that enhance choices available to youth and encourage them to enroll in or complete secondary, postsecondary education and training, progress through a career pathway, and enter into employment;
  - supporting financial literacy; and
  - providing technical assistance to locals and partners. (pages 83-84)

## **Chapter 3--Adult and Dislocated Worker Employment and Training Activities**

## **Sec. 132. State Allotments (pages 87-92)**

### Subsection (c) Reallotment

- **Governor shall** establish reallotment procedures (page 92)

### **Sec. 133. Within State Allotments (pages 92-96)**

#### Subsection (a) Reservations for State Activities

- **Governor shall** reserve funds for statewide activities (page 92)
- **Governor shall** reserve up to 25% of dislocated worker funds for rapid response (page 92)

#### Subsection (b) Within State Allocation

- **Governor shall** allocate adult and dislocated worker funds (page 92)
- **State may** allocate funds according to the formula based on disadvantaged adults, etc. (pages 92-93)
- **State/ Governor shall** allocate funds based on a formula set by the Governor (page 93)
- **Governor may** amend funding allocation formula once each program year (page 93)
- **State may** distribute up to 30% of adult funds based on additional factors not included in the formula (page 94)
- **Local Board may** transfer up to 100% of adult and dislocated worker funds between programs, with permission of Governor (page 94)

#### Subsection (c) Reallocation among Local Areas, Paragraph (1) In General

- **Governor (in consultation, etc.) may** reallocate unobligated funds among local areas (page 95)
- **Governor shall** reallocate funds based on the formula, in the event of reallocation (pages 95-96)

### **Sec. 134. Use of Funds for Employment and Training Activities (pages 96-113)**

#### Subsection (a) Statewide Employment and Training Activities

- **State shall** carry out rapid response activities including additional assistance to areas in extraordinary circumstances (page 96)
- **Governor may** use unobligated rapid response funds for statewide employment and training activities (pages 96-97)
  - *Rapid response funds that remain unobligated after the first program year **may be used by the Governor** for required or allowable statewide employment and training activities (pages 98-100)*
- **Governor shall** use reserved funds for prescribed statewide activities including providing assistance to state agencies, locals and partners on coordination and alignment of data systems; development, convening and implementation of industry or sector partnerships; development and training of staff; operating an accountability system; carrying out monitoring and oversight; etc. Full list on pages 97-98. (pages 97-98)
- **State shall** use no more than 5% of reserved funds for administration (page 100)

#### Subsection (c) Required Local Employment and Training Activities

- **State Shall/May** provide career services through the one-stop system, either directly at one-stops or via contracts with other providers (pages 103-104)
- **Governor or Local Board may** increase the OJT reimbursement rate to 75% under certain conditions (pages 107-108)

## **Chapter 4--General Workforce Investment Provisions**

### **Section 136. Authorization of Appropriations (page 113)**

#### **Subtitle C--Job Corps (pages 113-136)**

### **Section 145 – Recruitment, Screening, Selection and Assignment of Enrollees (page 115).**

#### **(a) Standards and Procedures.**

- (1) In General—The Secretary shall prescribe specific standards and procedures for the recruitment, screening, and selection of eligible applicants for the Job Corps, **after considering recommendations from Governors of States**, local boards, and other interested parties.

### **Section 147 – Job Corps Centers (page 118)**

#### **(a) Operators and Service Providers.**

##### **(1) Eligible Entities**

- (A) Operators.—The Secretary **shall enter into an agreement with a Federal, State, or local agency**, an area career and technical education school, a residential career and technical education school, or a private organization, for the operation of each Job Corps center.

##### **(2) Selection Process**

- (A) Competitive Basis—Except as provided in subsections (a) and (b) of section 3304 of title 41, United States Code, the Secretary shall select on a competitive basis an entity to operate a Job Corps center and entities to provide activities described in this subtitle to the Job Corps center. In developing a solicitation for an operator or service provider, **the Secretary shall consult with the Governor of the State** in which the center is located, the workforce council for the Job Corps center (if established), and the applicable local board regarding the contents of such solicitation, including elements that will promote the consistency of the activities carried out through the center with the objectives set forth in the State plan or in a local plan.

### **Section 154--Workforce Councils (page 127)**

(a) In General--Each Job Corps center **shall** have a workforce council, appointed by the director of the center, in accordance with procedures established by the Secretary. (Membership and responsibilities are similar to Local Workforce Boards)

#### **Subtitle D – National Programs (pages 136-161)**

### **Section 166. Native American Programs (pages 136-140)**

### **Section 167. Migrant and Seasonal Farmworker Programs (pages 140-142)**

### **Section 168. Technical Assistance (pages 142-144)**

### **Section 169. Evaluation and Research (pages 144-149)**

### **Section 170 – National Dislocated Worker Grants (pages 149-152)**

- (1) Grants--The Secretary of Labor is authorized to award national dislocated workers grants to:
  - (B) to provide assistance to
    - (i) the **Governor** of any state within the boundaries of which is a disaster area, to provide disaster relief employment in the disaster area; or

(ii) the **Governor** of any State to which a substantial number of workers from an area in which an emergency or disaster has been declared or otherwise recognized have relocated;

(C) to provide additional assistance to a **State board** or local board for eligible dislocated workers in a case in which the State or local board has expended the funds provided under this section to carry out activities described in subparagraphs (A) and (B) and can demonstrate the need for additional funds to provide appropriate services for such workers, in accordance with requirements prescribed by the Secretary.

(D) to provide additional assistance to a **State board** or local board serving an area where a higher-than-average demand for employment and training activities for dislocated members of the Armed Forces, spouses exceeds State and local resources for providing such activities and such activities are to be carried out in partnership with the Department of Defense and the Department of Veterans Affairs transition assistance programs.

(4) Use of Available Funds (page 152)—Funds made available under subsection (b)(1)(B) **shall** be available to assist workers described in paragraph (2) who are affected by an emergency or disaster, including workers who have relocated from an area in which an emergency or disaster has been declared or otherwise recognized, as appropriate. Under conditions determined by the Secretary and following notification to the Secretary, *a State may use such funds that are appropriated for any fiscal year and available for expenditure under any grant awarded to the State under this section, to provide any assistance authorized under this subsection. Funds used pursuant to the authority provided under this paragraph shall be subject to the liability and reimbursement requirements described in paragraph (5).*

#### **Section 171. YouthBuild Program (pages 152-161)**

#### **Section 172. Authorization of Appropriations (page 161)**

### **Subtitle E – Administration (pages 162-184)**

#### **Section 181--Requirements and Restrictions (pages 162-165)**

(f) Testing and Sanctioning for Use of Controlled Substances (page 164)

(1) In General—Notwithstanding any other provision of law, a **State shall not be prohibited** by the Federal Government from—

- (A) testing participants in programs under subtitle B for the use of controlled substances; and
- (B) sanctioning such participants who test positive for the use of such controlled substances.

(2) Additional Requirements—

(A) Period of Sanction—In sanctioning participants in a program under subtitle B who test positive for the use of controlled substances—

- (i) with respect to the first occurrence for which a participant tests positive, a **State may** exclude the participant from the program for a period not to exceed 6 months; and*
- (ii) with respect to the second occurrence and each subsequent occurrence for which a participant tests positive, a **State may** exclude the participant from the program for a period not to exceed 2 years.*

(B) Appeal—The testing of participants and the imposition of sanctions under this subsection **shall** be subject to expeditious appeal in accordance with due process procedures established by the **State**.

(C) Privacy—A **State shall** establish procedures for testing participants for the use of controlled substances that ensure a maximum degree of privacy for the participants.

(3) Funding Requirement—In testing and sanctioning of participants for the use of controlled substances in accordance with this subsection, **the only Federal funds that a State may use are the amounts made available for the administration of statewide workforce investment activities under section 134(a)(3)(B).**

#### **Section 184 – Fiscal Controls; Sanctions (page 166)**

##### (a) Establishment of Fiscal Controls by States.

(1) In General—Each **State shall** establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds allocated to local areas under subtitle B. Such procedures shall ensure that all financial transactions carried out under subtitle B are conducted and records maintained in accordance with generally accepted accounting principles applicable in each State.

##### (2) Cost Principles.

(A) In General—Each **State (including the Governor of the State)**, local area (including the chief elected official for the area), and provider receiving funds under this title **shall** comply with the applicable uniform cost principles included in appropriate circulars or rules of the Office of Management and Budget for the type of entity receiving the funds.

(B) Exception—The funds made available to a State for administration of statewide workforce investment activities in accordance with section 134(a)(3)(B) **shall** be allocable to the overall administration of workforce investment activities, but need not be specifically allocable to—  
(i) the administration of adult employment and training activities;  
(ii) the administration of dislocated worker employment and training activities; or  
(iii) the administration of youth workforce investment activities.

##### (3) Uniform Administrative Requirements.

(A) In General—**Each State (including the Governor of the State)**, local area (including the chief elected official for the area), and provider receiving funds under this title **shall** comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

(B) Additional Requirement—Procurement transactions under this title between local boards and units of State or local governments **shall** be conducted only on a cost-reimbursable basis.

(4) Monitoring—Each **Governor** of a State **shall** conduct on an annual basis onsite monitoring of each local area within the State to ensure compliance with the uniform administrative requirements referred to in paragraph (3).

(5) **Action by Governor**—If the **Governor** determines that a local area is not in compliance with the uniform administrative requirements referred to in paragraph (3), the **Governor shall**—

(A) require corrective action to secure prompt compliance with the requirements; and

(B) impose the sanctions provided under subsection(b) in the event of failure to take the required corrective action.

(6) Certification—The **Governor shall**, every 2 years, certify to the Secretary that—

(A) the State has implemented the uniform administrative requirements referred to in paragraph (3);

(B) the State has monitored local areas to ensure compliance with the uniform administrative requirements as required under paragraph (4); and

(C) the State has taken appropriate action to secure compliance with the requirements pursuant to paragraph (5).

##### (b) Substantial Violation

- (1) **Action by Governor**—If, as a result of financial and compliance audits or otherwise, the **Governor** determines that there is a substantial violation of a specific provision of this title, and corrective action has not been taken, the **Governor shall**—
  - (A) issue a notice of intent to revoke approval of all or part of the local plan affected; or
  - (B) impose a reorganization plan,
- (2) *Appeal*
  - (A) *In General*—The actions taken by the **Governor** pursuant to subparagraphs (A) and (B) of paragraph (1) **may** be appealed to the Secretary and shall not become effective until—
    - (i) the time for appeal has expired; or
    - (ii) the Secretary has issued a decision.
- (c) Repayment of Certain Amounts to the United States.
  - (1) In General—Every recipient of funds under this title **shall** repay to the United States amounts found not to have been expended in accordance with this title.
  - (3) *Repayment from Deduction by State*—If the Secretary requires a State to repay funds as a result of a determination that a local area of the State has expended funds in a manner contrary to the requirements of this title, the **Governor** of the State **may** use an amount deducted under paragraph (4) to repay the funds, except as provided under subsection (e).
  - (4) *Deduction by State*—The **Governor may** deduct an amount equal to the misexpenditure described in paragraph (3) from subsequent program year (subsequent to the program year for which the determination was made) allocations to the local area from funds reserved for the administrative costs of the local programs involved, as appropriate.
  - (5) Limitations—A deduction made by a State as described in paragraph (4) **shall** not be made until such time as the **Governor** has taken appropriate corrective action to ensure full compliance with this title within such local area with regard to appropriate expenditures of funds under this title.
- (d) Repayment of Amounts.
  - (1) In General—Each recipient of funds under this title **shall** be liable to repay the amounts described in subsection (c)(1), from funds other than funds received under this title, upon a determination by the Secretary that the misexpenditure of the amounts was due to willful disregard of the requirements of this title, gross negligence, failure to observe accepted standards of administration, or a pattern of misexpenditure described in subsection (c)(1). No such determination shall be made under this subsection or subsection (c) until notice and opportunity for a fair hearing have been given to the recipient.

**Section 184 – Reports, Recordkeeping, Investigations (page 171)**

- (c) Grantee Information Responsibilities—Each **State**, each local board, and each recipient (other than a subrecipient, subgrantee, or contractor of a recipient) receiving funds under this title—
  - (1) **shall** make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;
  - (2) **shall** prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188;
  - (3) **shall** monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title; and
  - (4) **shall**, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.

(e) Quarterly Financial Reports.

(1) In General—**Each local board** in a State **shall submit quarterly financial reports to the Governor** with respect to programs and activities carried out under this title. Such reports shall include information identifying all program and activity costs by cost category in accordance with generally accepted accounting principles and by year of the appropriation involved.

(2) Additional Requirement—Each **State shall** submit to the Secretary, and the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, on a quarterly basis, a summary of the reports submitted to the Governor pursuant to paragraph (1).

(f) Maintenance of Additional Records—Each **State and local board shall** maintain records with respect to programs and activities carried out under this title that identify—

(1) any income or profits earned, including such income or profits earned by subrecipients; and

(2) any costs incurred (such as stand-in costs) that are otherwise allowable except for funding limitations.

**Section 189 – Secretarial Administrative Authorities and Responsibilities (page 175)**

(i) Waivers.

(1) *Special Rule Regarding Designated Areas*—A **State** that has enacted, not later than December 31, 1997, a State law providing for the designation of service delivery areas for the delivery of workforce investment activities, **may** use such areas as local areas under this title, notwithstanding section 106.

(2) *Special Rule Regarding Sanctions*—A **State** that has enacted, not later than December 31, 1997, a State law providing for the sanctioning of such service delivery areas for failure to meet performance accountability measures for workforce investment activities, **may** use the State law to sanction local areas for failure to meet State performance accountability measures under this title.

(3) General Waivers of Statutory or Regulatory Requirements.

(A) *General Authority*—Notwithstanding any other provision of law, **the Secretary may waive** for a State, or a local area in a State, pursuant to a request submitted by the **Governor of the State** (in consultation with appropriate local elected officials) with a plan that meets the requirements of subparagraph (B)—

(i) any of the statutory or regulatory requirements of subtitle A, subtitle B, or this subtitle (except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of this title); and

(ii) any of the statutory or regulatory requirements of sections 8 through 10 of the Wagner-Peyser Act

(B) *Requests*—A **Governor** requesting a waiver under subparagraph (A) **shall** submit a plan to the Secretary to improve the statewide workforce development system that—

(i) identifies the statutory or regulatory requirements that are requested to be waived and the goals that the State or local area in the State, as appropriate, intends to achieve as a result of the waiver;

(ii) describes the actions that the State or local area, as appropriate, has undertaken to remove State or local statutory or regulatory barriers;

- (iii) describes the goals of the waiver and the expected programmatic outcomes if the request is granted;
- (iv) describes the individuals impacted by the waiver; and
- (v) describes the process used to monitor the progress in implementing such a waiver, and the process by which notice and, in the case of a waiver for a local area, an opportunity to comment on such request has been provided to the local board for the local area for which the waiver is requested.

**Section 190 – Workforce Flexibility Plans (page 178)**

(a) *Plans—A State may submit to the Secretary, and the Secretary may approve, a workforce flexibility plan under which the State is authorized to waive, in accordance with the plan—*

- (1) any of the statutory or regulatory requirements applicable under this title to local areas, pursuant to applications for such waivers from the local areas, except for requirements relating to the basic purposes of this title, wage and labor standards, grievance procedures and judicial review, nondiscrimination, eligibility of participants, allocation of funds to local areas, establishment and functions of local areas and local boards, procedures for review and approval of local plans, and worker rights, participation, and protection;
- (2) any of the statutory or regulatory requirements applicable under sections 8 through 10 of the Wagner-Peyser Act (29 U.S.C. 49g through 49i) to the State (excluding requirements relating to the provision of services to unemployment insurance claimants and veterans, and requirements relating to universal access to basic labor exchange services without cost to jobseekers); and
- (3) any of the statutory or regulatory requirements applicable under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) to State agencies on aging with respect to activities carried out using funds allotted under section 506(b) of such Act (42 U.S.C. 3056d(b)), except for requirements relating to the basic purposes of such Act, wage and labor standards, eligibility of participants in the activities, and standards for grant agreements.

(b) **Content of Plans—A workforce flexibility plan implemented by a State under subsection (a) shall include descriptions of—**

- (1)(A) the process by which local areas in the State may submit and obtain approval by the State of applications for waivers of requirements applicable under this title; and (B) the requirements described in subparagraph (A) that are likely to be waived by the State under the plan;
- (2) the requirements applicable under sections 8 through 10 of the Wagner-Peyser Act that are proposed to be waived, if any;
- (3) the requirements applicable under the Older Americans Act of 1965 that are proposed to be waived, if any;
- (4) the outcomes to be achieved by the waivers described in paragraphs (1) through (3); and
- (5) other measures to be taken to ensure appropriate accountability for Federal funds in connection with the waivers.

**Section 192 – Transfer of Federal Equity in State Employment Security Agency Real Property to the States (page 180)**

(b) **Limitation on Use—A State shall not** use funds awarded under this Act, title III of the Social Security Act, or the Wagner- Peyser Act to amortize the costs of real property that is purchased by any State on or after the date of enactment of the Revised Continuing Appropriations Resolution, 2007.

**SEC. 194. General Program Requirements (page 181)**

(B) The **Governor shall** notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this title within the corresponding local area.

## **Title II--Adult Education and Literacy Act (pages 184-200)**

### **Subtitle B – State Provisions**

#### **Section 221 – State Administration (page 190)**

- **Each eligible agency shall** be responsible for the State or outlying area administration of activities under this title, including—
  - 1) the development, implementation, and monitoring of the relevant components of the unified State plan in section 102 or the combined State plan in section 103;
  - 2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title; and
  - 3) coordination and non-duplication with other Federal and State education, training, corrections, public housing, and social service programs.

#### **Section 222 – State Distribution of Funds; Matching Requirement (page 190)**

- (a) **State Distribution of Funds – Each eligible agency** receiving a grant under section 211(b) for a fiscal year—
- 1) **shall** use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 20 percent of such amount shall be available to carry out section 225;
  - 2) **shall** use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and
  - 3) **shall** use not more than 5 percent of the grant funds, or \$85,000, whichever is greater, for the administrative expenses of the eligible agency.
- (b) Matching Requirement -
- 1) In General.—In order to receive a grant from the Secretary under section 211(b) **each eligible agency shall** provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount that is not less than—
    - (A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and
    - (B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.
  - 2) *Non Federal Contribution.—An eligible agency’s non- Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this title.*

#### **Section 223 – State Leadership Activities (page 191)**

- 1) **Required.**—**Each eligible agency shall** use funds made available under section 222(a)(2) for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:
  - (A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 102 or the combined State plan under section 103, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.
  - (B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.
  - (C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this title
  - (D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.
- 2) **Permissible Activities.**—**Each eligible agency may** use funds made available under section 222(a)(2) for 1 or more of the following adult education and literacy activities:
  - (A) *The support of State or regional networks of literacy resource centers.*
  - (B) *The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.*
  - (C) *Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.*
  - (D) *Developing content and models for integrated education and training and career pathways.*
  - (E) *The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this title and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 116(b)(3).*
  - (F) *The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.*
  - (G) *Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.*
  - (H) *Activities to promote workplace adult education and literacy activities.*
  - (I) *Identifying curriculum frameworks and aligning rigorous content standards*
  - (J) *Developing and piloting of strategies for improving teacher quality and retention.*
  - (K) *The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of such students at the lowest achievement levels.*
  - (L) *Outreach to instructors, students, and employers.*
  - (M) *Other activities of statewide significance that promote the purpose of this title.*

### **Section 224 – State Plan (page 193)**

- **Each State** desiring to receive funds under this title for any fiscal year **shall** submit and have approved a unified State plan in accordance with section 102 or a combined State plan in accordance with section 103.

### **Section 225 – Programs for Corrections Education and Other Institutionalized Individuals (page 193)**

- (a) Program Authorized--From funds made available under section 222(a)(1) for a fiscal year, **each eligible agency shall** carry out corrections education and education for other institutionalized individuals.
- (b) Uses of Funds--The funds described in subsection (a) **shall** be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—
- (1) adult education and literacy activities;
  - (2) special education, as determined by the eligible agency;
  - (3) secondary school credit;
  - (4) integrated education and training;
  - (5) career pathways;
  - (6) concurrent enrollment;
  - (7) peer tutoring; and
  - (8) transition to re-entry initiatives and other post release services with the goal of reducing recidivism.
- (c) Priority--**Each eligible agency** that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution **shall** give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.
- (d) Report--In addition to any report required under section 116, **each eligible agency** that receives assistance provided under this section **shall** annually prepare and submit to the Secretary a report on the progress, as described in section 116, of the eligible agency with respect to the programs and activities carried out under this section, including the relative rate of recidivism for the criminal offenders served.

### **Subtitle C—Local Provisions**

#### **Section 231 – Grants and Contracts for Eligible Providers (page 194)**

- (a) Grants and Contracts.—From grant funds made available under section 222(a)(1), **each eligible agency shall** award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.
- (b) Required Local Activities.—The **eligible agency shall** require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate programs that provide adult education and literacy activities, including programs that provide such activities concurrently.
- (c) Direct and Equitable Access, Same Process.—**Each eligible agency** receiving funds under this title **shall** ensure that—
- (1) all eligible providers have direct and equitable access to apply and compete for grants or contracts under this section; and

(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.

- (d) Special Rule.—**Each eligible agency** awarding a grant or contract under this section **shall** not use any funds made available under this title for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(4), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy activities. In providing family literacy activities under this title, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this title prior to using funds for adult education and literacy activities under this title for activities other than activities for eligible individuals.

### **TITLE III--Amendments to the Wagner-Peyser Act (pages 200-207)**

#### **Section 303. Federal and State Service Offices (page 201)**

- In order to improve service delivery, avoid duplication of services and enhance coordination of services, including location of staff to ensure access to services under section 7(a) statewide in underserved areas, **employment service offices in each state shall** be colocated with one-stop centers.

#### **Section 305. Use of Sums (page 202)**

- *Add new provision that states that sums allotted to each **State may** be used to provide unemployment insurance claimants with referrals to, and application assistance for, training and education resources and programs, including Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965, educational assistance under chapter 30 of title 38, United States Code (commonly referred to as the Montgomery GI Bill), and chapter 33 of that title (Post 9-11 Veterans Educational Assistance), State student higher education assistance, and training and education programs provided under titles I and II of the Rehabilitation Act of 1973.*

#### **Section 306. State Plan (page 203)**

- **Any State** desiring to receive assistance under section 6 **shall** prepare and submit to, and have approved by, the Secretary of Labor and the Secretary of Education, a State plan in coordination with section 102 or 103 of the Workforce Innovation and Opportunity Act.

#### **Section 308. Workforce and Labor Market Information System (formerly Employment Statistics System)--State Responsibilities (same as under WIOA) (page 203)**

(e) State Responsibilities (same as under WIA)

(1) Designation of State Agency-- In order to receive Federal financial assistance under this section, **the Governor of a State shall --**

(A) designate a single State agency to be responsible for the management of the portions of the employment statistics system described in subsection (a) that comprise a statewide employment statistics system and for the State's participation in the development of the annual plan; and

(B) establish a process for the oversight of such system.

(2) Duties.-- In order to receive Federal financial assistance under this section, **the State agency shall**

- (A) consult with State and local employers, participants, and local workforce investment boards about the labor market relevance of the data to be collected and disseminated through the statewide employment statistics system;
- (B) consult with State educational agencies and local educational agencies concerning the provision of employment statistics in order to meet the needs of secondary school and postsecondary school students who seek such information;
- (C) collect and disseminate for the system, on behalf of the State and localities in the State, the information and data described in subparagraphs (A) and (B) of subsection (a)(1);
- (D) maintain and continuously improve the statewide employment statistics system in accordance with this section;
- (E) perform contract and grant responsibilities for data collection, analysis, and dissemination for such system;
- (F) conduct such other data collection, analysis, and dissemination activities as will ensure an effective statewide employment statistics system;
- (G) actively seek the participation of other State and local agencies in data collection, analysis, and dissemination activities in order to ensure complementarity, compatibility, and usefulness of data;
- (H) participate in the development of the annual plan described in subsection (c); and
- (I) utilize the quarterly records described in section 136(f)(2) of the Workforce Investment Act of 1998 to assist the State and other States in measuring State progress on State performance measures.

## **Title IV--Amendments to the Rehabilitation Act of 1973 (pages 207-276)**

### **Section 412 – State Plans (page 217)**

- **States shall** submit a unified or combined plan in accordance with WIOA, which shall include the provisions of the state plan that pertain to vocational rehabilitation services. (page 217)
- The **state plan shall** describe:
  - How the state will work with employers to identify competitive integrated employment opportunities and career exploration opportunities (page 221)
  - The cooperative agreement with the state Medicaid agency and the state agency that serves individuals with disabilities, regarding eligibility for home and community-based waiver programs (page 221-222)
  - Coordination with assistive technology programs (page 222)
  - Coordination with the Ticket to Work and Self-Sufficiency program (page 222)
  - How interagency coordination will take place with the state Medicaid agency and the state agency serving individuals with disabilities (page 222)
  - How the state will support students with disabilities (page 224)
  - How the state will use initiatives involving in-demand industry sectors or occupations to increase competitive employment opportunities for PWD (page 224)

### **Section 413 – Eligibility and Individualized Plan for Employment (page 225)**

- In providing trial experiences, the **state shall** provide the individual with the opportunity to try different employment experiences, including supported employment, and the opportunity to become employed in competitive integrated employment. (page 225)
- The **state shall** provide information on supports and assistance for PWD interested in entering the workforce, including assistance with benefits planning. (page 226)

### **Section 416 – Evaluation Standards and Performance Indicators (page 230)**

- A **state may** establish and provide information on additional performance accountability indicators. (page 230)

### **Section 418 – Training and Services for Employers**

- A **state may** expend payments to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities. Examples of services include:
  - training and TA about employment of PWD, disability awareness, requirements of the ADA, providing opportunities for work-based learning, recruiting qualified applicants who are PWD, training employees who are PWD;
  - training and TA around workplace accommodations and assistive technology; and
  - assisting employers with using available financial support for hiring or accommodating PWD. (pages 231-232)

### **Section 419 – State Allotments (page 232)**

- **States shall** reserve not less than 15 percent of their federal funds to provide pre-employment transition services. (page 232)

### **Section 422 – Pre-employment Transition Services (page 233)**

- **States shall** provide pre-employment transition services for all students with disabilities.
  - Required activities include:
    - job exploration counseling,
    - work-based learning experiences,
    - counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs,
    - workplace readiness training to develop social skills and independent living, and
    - instruction in self-advocacy. (page 233-234)
  - Authorized activities (e.g. **states “may” provide**) include (page 234):
    - Strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
    - Strategies to help individuals with intellectual disabilities and significant disabilities to live independently, participate in postsecondary education, and obtain/retain competitive integrated employment;
    - Provide instruction to VR counselors, school transition personnel, and other people who support students with disabilities;
    - Sharing information about innovative, effective and efficient approaches;
    - Coordinating transition services activities with local education agencies;
    - Applying evidence-based findings;
    - Developing model transition demonstration projects;
    - Establishing or supporting multistate or regional partnerships;
    - Disseminating information and strategies to improve transition of individuals who are members of traditionally unserved populations.

### **Subtitle F – Rights and Advocacy (page 251)**

### **Sec. 511 – Limitations on use of subminimum wage**

- Limits the use of subminimum wage for individuals with disabilities by ensuring that before an individual receives subminimum wage they first (1) receive pre-employment transition services; (2) applied for vocational rehabilitation services, and if eligible, made a serious attempt at competitive integrated employment; (3) receive counseling, information and referral about alternatives to subminimum wage employment. (pages 252-253)
- Individuals with disabilities currently employed at subminimum wage **must** be provided on going career counseling, information and referrals, and notification of local training opportunities to move into competitive integrated employment, as appropriate. (pages 253-254-255)
- **State vocational rehabilitation agencies shall** make pre-employment transition services available to all students with disabilities and to coordinate those services with IDEA's transition services. (page 254)

### **Subtitle G – Employment Opportunities for Individuals with Disabilities (page 255)**

- Focus on youth with significant disabilities and achieving employment outcome of supported employment in competitive integrated employment (page 255).
- **States** that receive funding under this title **shall** spend half of that funding for services to youth with the most significant disabilities. (page 256)
- In providing services to youth with the most significant disabilities, **States will** provide non-federal funding of at least 10 percent to cover those services. (page 258)
- *Funds may be used to provide extended services to youth with the most significant disabilities; these services shall be available for up to four years. (page 256)*
- **State agencies shall** collect information separately for the following:
  - Eligible individuals receiving supported employment under “this title” (title IV?)
  - Eligible individuals receiving supported employment under title I
  - Eligible youth receiving supported employment under “this title”
  - Eligible youth receiving supported employment under title I

### **Subtitle H – Independent Living Services and Centers for Independent Living**

- The **State plan shall** describe statewide strategies to provide independent living services. (page 262)
- The plan **shall** describe how the state will provide independent living services that promote full access to community life for individuals with significant disabilities. (page 263)

### **Section 475. Statewide Independent Living Council (page 263)**

- Functions: The **council shall** develop the state plan; monitor, review and evaluate the plan's implementation; meet regularly; submit reports to the administrator; and coordinate activities with other entities in the state providing similar services. (page 264)
- *The council may coordinate services with public and private entities and conduct fundraising activities to support provision of services. (page 264)*
- The **State may** use no more than 30% of funds for the statewide independent living council and shall distribute remaining funds in accordance with the state plan. (page 267)

## **Title V – General Provisions (pages 276-298)**

### **Section 503 – Transition Provisions (page 277)**

- *States may expend funds received under WIA to plan and implement programs and activities under WIOA. (page 278)*
- *No more than 2% of federal funds allotted to states under WIA may be used for planning and implementing WIOA, and not less than 50% of this funding shall be made available to local entities for this purpose. (page 278)*

### **Section 504 – Reduction of reporting burdens and requirements (page 278)**

- *Federal agency secretaries will establish procedures under which a state and local board may reduce reporting burdens and requirements. (page 278)*

### **Section 506 – Effective Dates (page 279)**

- Any agreement negotiated and reached under the Workforce Investment Act of 1998 shall remain in effect, until a new agreement is so negotiated and reached, for the first full program year after the date of enactment of WIOA. (page 280)
- If a state or local area fails to meet levels of performance of WIA during that first full program year, the sanctions shall apply during the second full program year after the date of enactment of WIOA. (page 280)
- Application date for state and local plan provisions. Sections 112 and 118 of WIA shall apply to implementation of state and local plans of WIOA for the first full program year after the date of enactment of WIOA. (page 280)