

**Oregon Department of Community Colleges & Workforce Development
Title II Comments on the WIOA NPRMs**

RIN 1205-AB74 (Docket No. ETA 2015-0002)

*Departments of Labor and Education Combined: Joint Rule for Unified and Combined
Plans, Performance Accountability, and the One-Stop System Joint Provisions*

The Oregon Department of Community Colleges and Workforce Development (CCWD), Adult Education Team, appreciates the opportunity to submit comments on the regulations proposed by the Departments of Labor and Education to implement the Workforce Innovation and Opportunity Act (WIOA).

The Oregon Department of CCWD, Adult Education Team, is submitting comments on the Notice of Proposed Rulemaking (NPRM); NPRM RIN1205-AB74 (Docket No. ETA 2015-0002), implementing the “Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions”; and NPRM RIN 1830-AA22 (Docket No. ED-2015-OCTAE-0003), implementing programs and activities authorized under Title II of WIOA.

Specific Comments on Title I

Unified Plan

- Proposed § 676.115 (a)(1), we recommend that the Departments of Labor and Education allow a transition period for the development and approval of assessments related to English Language Acquisition (ELA) content standards. We recommend a three-year transition period in which states are held accountable based on state selected assessments with non-regulatory guidance from OCTAE.
- Proposed § 676.115 (a)(3), we recommend that states maintain flexibility in meeting interoperability of data systems for core programs. We recommend that states determine and define how data systems will be managed. This is an area for non-regulatory guidance rather than federal regulation.

Performance (Exit & Common Exit)

- WIOA sec. 116 (d)(2)(I), the current proposed definition of “exit” is program specific. A program exit approach is highly preferred for Title II programs, waiting to account for a common exit will negatively impact performance outcomes. We recommend program exit to create/capture more actionable data for each core program.
- Proposed§ 677.150(c), we recommend that self-service not be included as a service and as such have no impact on the exit date.

Performance (Indicators/Measures)

- Proposed § 677.155 (a)(1)(iv), we recommend that enrollment be at least quarter-time (3 credits), that the credential be defined in the participant’s career pathway, and that ‘postsecondary’ be defined as instruction requiring secondary-completion skill levels.
- Proposed § 677.155(a)(I)(v), we recommend “measurable skill gains” at the indicator level (not attainment). We recommend that states are provided as much flexibility as possible to determine the list of indicators. We recommend that the passing of each GED subject test equate to a level gain in reading and math. We recommend that skill-gain measurement tools approved by OCTAE align with College and Career Readiness Standards for Adults.
- Proposed § 677.155(a)(I)(vi), we recommend that effectiveness in serving employers be a shared indicator across all core programs.
- Proposed § 677.160(a)(9), we recommend that the use of additional information to track the quality of customer experience not be include. For example, the number of participants enrolled in education or training programs that do not lead to a recognized postsecondary credential does not represent quality of service as industry recognized credentials and short-term skill upgrades for participants may not qualify as “leading to a postsecondary credential” and are a direct benefit to participants.
- Proposed § 677.175(a), we recommend that the Departments of Labor and Education issue additional guidance on acceptable ways to track employment outcomes for participants for whom wage record matching is not a viable option.
- Proposed § 677.190(c), we recommend measures not be weighted as it is unclear how weighted averages will be determined.
- Proposed § 677.190(d), we recommend that the departments begin with a lower percentage and work up to 90 percent over a four year period; the initial establishment of a 90 percent threshold is too high.

Eligible Training Providers

- Proposed § 677.230(a)(3), we recommend the cost-per-participant be calculated at the education or training program level not the participant level. For example, if an individual required additional remedial coursework their cost of participation will be significantly higher than a postsecondary ready student; thus, skewing the total cost.

One-Stop (Infrastructure Costs/Funding)

- Proposed § 678.705, we request additional guidance be issued from the departments to assist the Governor in establishing roles, defining equitable and efficient methods for negotiating around infrastructure costs.

RIN 1803-AA22 (Docket No. ED-2015-OCTAE-0003)

Department of Education: Programs and Activities Authorized under Title II of WIOA

Specific Comments on Title II

English Language Acquisition Programs

- Proposed § 463.32, the use of the work “or” is critical as the proposed language provides necessary flexibility for ELA programs to be part of a career pathway. If the proposed language was interpreted to limit ELA transitions to postsecondary education and training programs it will create a significant cost burden to Title II providers and postsecondary education providers, due to curriculum and service alignment. We recommend that the department maintain as much flexibility as possible within ELA programs, including the use of career pathways. We recommend that the proposed language be expanded to include opportunities for populations of adult learners who have previous degrees and professional certificates from other countries.

Integrated Education and Training

- Proposed § 463.37, we recommend flexibility for low level ABE (non ELA) and low level ELA learners to receive basic skills and language acquisition before work readiness; simulations delivery may not be appropriate for these populations. We recommend a transition period, providing additional time to align and implement new content standards for adult education and literacy programs. We also recommend the word “employability” replace “occupationally relevant” in the definition of integrated education and training.

Awarding Funds to Corrections Education

- Proposed § 463.61, awards made by the eligible agency for corrections education and education programs for other institutionalized individuals must be made in accordance with applicable regulations in subpart C. Subpart C does not specify how organizations like the Department of Corrections may participate in the RFA process. We request additional guidance on the award of funds to corrections education as corrections education programs will be eligible for 20% of the state Title II allocation.

Local Administrative Costs

- Proposed § 463.26, we request additional guidance on the contribution to the infrastructure costs of the one-stop delivery system. We recommend that the 1.5 percent maximum be limited to the Title II providers' administrative funds (5 percent of award) to reduce impact on adult education and literacy activities.
- Proposed § 678.420, we request additional clarification around the definition of "proportionate to benefit" and who will determine what is proportionate to the benefit. We suggest that one consideration for the proportionate to benefit be the distance from the Title II provider to the one-stop. We recommend that the requirement to contribute to one-stop infrastructure cost be limited to one local workforce area and/or the 1.5 percent maximum be capped per provider.

Integrated English Literacy and Civics Education Programs

- Proposed § 463.73, we recommend clear definitions of the outcomes related to integrated English Literacy and Civics Education programs. We recommend that the Title II providers and local partners have latitude to use program resources to achieve those outcomes.