



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

**TO:** Adult Career and Continuing Education Services (ACCES) Committee

**FROM:** Kevin G. Smith 

**SUBJECT:** The Impact of the New Workforce Innovation Opportunity Act on Adult Education and Vocational Rehabilitation

**DATE:** February 2, 2015

**AUTHORIZATION(S):** 

### **SUMMARY**

#### **Issue for Discussion**

To provide the Board of Regents with information on the recent enactment of the Workforce Innovation Opportunity Act (WIOA) which reauthorized Title II, Adult Education and Family Literacy and Title IV, the Rehabilitation Act of 1973.

#### **Reason(s) for Consideration**

For Information.

#### **Proposed Handling**

This item will come before the Board of Regents ACCES Committee at its February 2015 meeting.

#### **Procedural History**

In July, 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law. WIOA requires states to align their workforce development programs, which includes amending two core programs administered by NYSED: the Adult Education and Family Literacy Act (Title II of WIOA) and the Rehabilitation Act of 1973 (Title IV of WIOA).

## **Background Information**

WIOA requires each state to develop and submit a single, unified strategic plan submitted for approval by the Governor and State Workforce Development Board for all core programs (including vocational rehabilitation and adult education) starting in July 2016. WIOA strengthens the role of employers in ensuring that training, workforce and economic development activities are responsive to local and regional employer demand.

Performance accountability has a renewed emphasis throughout the law. The federal Department of Labor and Department of Education are directed to establish a common performance accountability system for the core programs. It also requires the core programs to dedicate a portion of their federal funding for the infrastructure of the American Job Center (AJC) System and related shared costs. The new law includes significant improvements in services to individuals with disabilities across all titles. It mandates enhanced physical and programmatic accessibility of employment and training services available through the AJC system in each state and local area. It also places cross-cutting priority on serving individuals with low literacy or limited English language proficiency.

Within Title I of the Rehabilitation Act, WIOA requires a set aside of VR funds for services to transition age youth, specifically, 50 percent of allotted supported employment funds and the creation of new set of services to youth called pre-employment transition services. ACCES-VR must spend at least 15 percent of its federal funding on the required pre-employment transition services for youth, defined as individuals between the ages of 14 and 25 years old. Pre-Employment Transition Services requires each State VR agency to provide the following services to youth:

- job exploration training;
- work-based learning experiences which may include in-school or afterschool opportunities or experience outside the traditional school setting (including internships);
- counseling on opportunities for enrollment in comprehensive transition programs or postsecondary education at institutions of higher education;
- workplace readiness training; and,
- instruction in self-advocacy, which may include peer mentoring.

In addition to these required services, State VR agencies may opt to provide other authorized pre-employment transition services to youth such as:

- implementing effective strategies to increase likelihood of inclusion in competitive integrated workplaces;
- developing and improving strategies for youth with significant disabilities to participate in postsecondary education experiences leading to competitive employment;
- providing instruction to Vocational Rehabilitation Counselors, school transition personnel and others supporting students with disabilities;

- disseminating information on effective practices related to employment for youth with disabilities;
- coordinating transition activities with local education agencies under IDEA;
- applying evidence-based findings to improve policy, procedure and practices related to employment of youth with disabilities; and,
- developing model transition demonstration projects.

As the Rehabilitation Services Administration (U.S. Department of Education) begins to issue proposed regulations, policies and guidance related to these and other new requirements contained in the law, ACCES-VR will continue to strengthen its focus on serving all individuals with disabilities, including youth, to achieve quality employment outcomes. Other new requirements under the reauthorization will be implemented in consultation with the State Rehabilitation Council. ACCES-VR is well-positioned to meet the new challenges of WIOA and the recommendations contained in the ACCES-VR Strategic Plan should enable ACCES to better implement changes that will improve vocational rehabilitation services and outcomes.

With regard to Adult Education and Family Literacy, the broad purpose, funding and structure remain fundamentally the same: serving youth and adults age 16 and over who lack a high school diploma or the equivalent; three major funding streams- core adult education funding, incarcerated and institutionalized, and English Language Civics; and, diverse provider eligibility, including community based organizations, LEAs and BOCES, unions, libraries, literacy volunteer organizations, and postsecondary organizations

In addition, WIOA supports a wide range of Adult Education and Family Literacy programs which include: the continued funding of adult education, literacy, workplace adult education, family literacy, English Language instruction, integrated English for speakers of other languages (ESOL) and civic instruction and high school equivalency preparation; placing new priorities on career pathways and programs that integrate literacy/English language instruction with career and technical education instruction or training; and, strengthening alignment with rigorous academic standards to prepare individuals for college and career readiness, which will build on professional development initiatives already underway in New York State with CUNY and seven Regional Adult Education Network (RAEN) centers.

WIOA also significantly expands opportunities for out-of-school youth and students who have a high school diploma or the equivalent but still need to remediate skills. Seventy-five percent of WIOA Title 1 funding for youth programming must serve out-of-school youth, ages 16 to 24, opening up new opportunities to connect with adult education programs funded by WIOA and Employment Preparation Education state aid. WIOA Title II funding can serve individuals whose reading, writing, and/or math skills are less than grade 13 level for purposes of postsecondary transition.

A major challenge is how to align a robust and sophisticated National Reporting System (NRS) accountability system for adult education and family literacy with cross-cutting performance measures under Title 1 that all core programs must use to measure and report performance. Measurement of skill gains is included in Title 1 performance.

Participants who obtain a secondary or High School Equivalency diploma will only be included for reporting if they have obtained or retained employment, or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program. It is unclear whether participants in various immigration statuses will be eligible for service in one-stop delivery centers or how they will be included in reporting measures, a major issue since 70% of adult education students in New York State are foreign born. Currently, the NRS reporting system does not report immigration status and it is not a factor in eligibility.

Another major challenge is how core programs like Vocational Rehabilitation and Adult Education and Family Literacy will contribute to the costs of one-stop infrastructure, the state performance system, and common intake. In states like New York, where constitutional or statutory policy making authority for vocational rehabilitation, adult education and family literacy, Perkins career and technical education resides in a governing body other than the governor, it is the head of that organization (i.e., the commissioner of education) who will determine the infrastructure cost contribution from these programs, with advice from the governor. It is unclear which “in-kind” or co-located services will be counted in cost sharing.

The proposed regulations from the US Office of Career Technical and Adult Education (OCTAE) expected in January 2015 along with guidance on Unified Planning are anticipated to address these key issues and challenges.

### **Recommendation**

ACCES will:

- analyze the changes required in procurement procedures to meet WIOA guidelines;
- explore options for addressing expanded transition services; and
- work closely with NYS Department of Labor to establish five joint working groups, each with ACCES-VR and Adult Education representation to analyze and recommend approaches to WIOA implementation and explore the dedication of up to 2 percent funding to support WIOA transition planning in meeting all of the new requirements. The five working groups are: Leadership; Local Operations; Performance; Training; and, Special Populations.