

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, DC 20202-2800

TECHNICAL ASSISTANCE CIRCULAR

RSA-TAC-24-02

DATE: October 31, 2023

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES

SUBJECT: Requirements for Workforce Innovation and Opportunity Act (WIOA)
State Plans for Program Years (PY) 2024 - 2027

PURPOSE:

This Technical Assistance Circular conveys to States¹ the Biden-Harris Administration's priorities, State Plan requirements, submission process, and deadline for the WIOA Unified or Combined State Plans for Program Years (PY) 2024 through 2027, consistent with WIOA Sections 102 and 103.

ACTION REQUESTED:

In accordance with Sections 102(c)(1)(B) and 103(b)(1) of WIOA, its implementing regulations, and the State Plan information collection request (ICR), *WIOA Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act*, approved under Office of Management and Budget (OMB) control number 1205-0522, each State's governor must submit a Unified or Combined State Plan, including the common elements and program-specific portions of each plan, for the four-year period covering PYs 2024-2027 by **March 4, 2024**,² using the online portal described in Section 4.d. of this guidance. The Unified or Combined State Plan covering the six core programs of the workforce development system will be considered approved 90 days after the date the Plan is submitted, unless the U.S. Secretaries of Labor and Education inform the State in writing within that time period that the Plan is inconsistent with the State Plan requirements or the provisions authorizing the core programs, as appropriate (Sections 102(c)(2)(B) and 103(c)(3)(A) of WIOA).

¹ For purposes of the Unified or Combined State Plans, the term "State" refers to the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and, as appropriate for certain programs, the Republic of Palau (20 CFR § 676.105(e), 34 CFR §§ 361.105(e) and 463.105(e)).

² The deadline for submission is consistent with that established by Section 102(c)(1)(B) of WIOA. See also 20 C.F.R. § 676.130(a) and 34 C.F.R. §§ 361.130(a) and 463.130(a).

SUMMARY:

This joint guidance describes the WIOA planning requirements, priorities, submission deadlines, and procedures for the required four-year State Plan. This guidance also describes several changes to the OMB-approved ICR that will impact PY 2024 State Plans.

BACKGROUND:

WIOA requires the governor of each State to submit a Unified or Combined State Plan that includes a four-year strategy and operational plan for the continuing implementation of the state's workforce development system, with an update after two years.³ States must have federally approved State Plans to receive funding under the six core programs, pursuant to Section 102(a) of WIOA.⁴ All States currently have approved WIOA State Plans for PY 2020-2023.

Under WIOA, the Unified and Combined State Plans communicate the State's vision for the state workforce development system. WIOA planning requirements aim to foster better alignment of Federal investments across job training and education programs, in order to coordinate service delivery across programs for shared customers, improve efficiency, and ensure that the workforce system connects individuals with high-quality job opportunities and employers. Cross-program planning promotes a shared understanding of the workforce needs within each state. Such planning cultivates the development of more comprehensive approaches, such as worker-centered, industry-driven career pathways and worker-centered sector strategies, for addressing the needs of employers and workers, especially those workers who are often underserved, including youth, adults who are basic skills deficient, English-language learners and immigrants, individuals with disabilities, individuals who are justice-involved, women, and workers of color. Additionally, cross-program planning enables the workforce system to provide a wider range of collaborative, coordinated, and streamlined services to shared customers, including pre-employment transition services to students with disabilities, and methodologies for providing shared services to customers, such as through co-enrollment.

Governors and State workforce development boards are encouraged to use the 2024 WIOA state planning process to reshape education and workforce development service delivery to take advantage of historic Federal investments made possible through the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL), the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act, and the Inflation Reduction Act (IRA)) (collectively referred to as Investing in America (IIA)). The majority of the jobs created through these investments will involve occupations that require some type of

³ See Section 102(b) and (c)(3) of WIOA.

⁴ The six core programs are the Adult, Dislocated Worker, and Youth programs, authorized under title I and administered by the U.S. Department of Labor (DOL); the Adult Education and Family Literacy Act (AEFLA) program, authorized under title II of WIOA and administered by the U.S. Department of Education (ED); the Employment Service program of the Wagner-Peyser Act, as amended by title III of WIOA (Wagner-Peyser Act Employment Service program) and administered by DOL; and the State Vocational Rehabilitation (VR) program, authorized under title I of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by title IV of WIOA and administered by ED.

postsecondary credential. The programs incorporated into WIOA State Plans are well-positioned to assist workers in accessing good jobs created by these IIA investments and businesses to find the workers they need to flourish. Further, WIOA state planning affords state boards an opportunity to refresh and forge new partnerships with key stakeholders from P-12, career and technical education, higher education, economic development, state and regional transportation and energy agencies, community-based organizations, Registered Apprenticeship Program sponsors, and the business community to ensure that WIOA investments connect individuals to quality jobs and provide genuine pathways to the middle class. Such partnerships often require creativity and flexibility, and WIOA funding can often be leveraged to support the activities of such partnerships. The U.S. Department of Labor (DOL) and U.S. Department of Education (Departments) are available to provide technical assistance regarding allowable uses of Federal program funds to support state strategies. The Departments acknowledge that several States have partnered with state and local agencies to develop and implement various community projects with BIL funding. The Departments encourage these States to incorporate the various partnerships as part of their State Plan strategic efforts.

The Departments envision the state planning process as a valuable opportunity to consider the full flexibility of WIOA in serving the education and workforce needs of states. The Departments urge States to focus on building, fostering, and executing a sustainable and strategic education and workforce vision. The Departments are available to advise where program funds can support State strategies and provide examples of flexibilities and partnership-growing uses of WIOA funds on the [Yes, WIOA Can!](#) website. The examples found on this website are illustrative and States and locals are encouraged to work with their federal program officer if interested in implementing the examples.

WIOA PLANNING PRIORITIES:

Leveraging Historic Infrastructure Investments

As mentioned in the Summary and Background, three landmark pieces of legislation (BIL, CHIPS, and IRA) signed by President Biden present an opportunity to transform the lives of American workers and create an abundance of new, high-quality jobs. While a portion of these investments flow directly to the public workforce system, WIOA state planning provides governors, state boards, and state workforce, education, and human service agencies a tremendous opportunity to take a systems-level approach to coordinate around shared goals and foster new partnerships (for example, with state transportation and energy agencies) to leverage these investments. For specific examples of how the public workforce system fits in to these investments and suggested roles for the state and local boards in the BIL, CHIPS and IRA investments, please see [National Governors Association \(NGA\) Toolkit for State Workforce Development Policymakers](#). The examples found on this website are illustrative and States and locals are encouraged to work with their federal program officer if interested in implementing the examples. These laws are summarized below:

(1) Infrastructure Investment and Jobs Act, known as the Bipartisan Infrastructure Law (BIL)

The BIL provides a \$1.2 trillion investment to expand access to high-speed internet, improve

public transit, and enable construction projects on America’s roads, bridges, and waterways. While there is not a statutory role for the public workforce system in the BIL, there are multiple opportunities for state workforce development policymakers to assume a proactive role in implementation.⁵ The BIL allows States to expend funds from surface transportation programs on key workforce development activities, includes formula and competitive programs through which States may invest in workforce development, and encourages States to undertake long-term planning for their infrastructure workforce needs. For example, States can utilize new allowable uses of the Fixing America’s Surface Transportation Act (FAST Act) to support pre-apprenticeship and Registered Apprenticeship expansion efforts.

Section 25019 of the BIL gives State and local policymakers the opportunity to take advantage of “local hire” requirements (which may or may not be included in project labor agreements) to leverage grant funding available through BIL to reinvest in underserved communities. Under these provisions, a BIL grantee or sub-grantee may require a certain percentage of labor to come from local, often underserved, communities. State and local boards are uniquely positioned to identify eligible workers and connect them to BIL-funded training opportunities. The Departments strongly encourage State and local boards to provide partner agencies with qualified candidates – including from underserved communities – to satisfy local hire requirements.

The BIL’s \$65 billion historic investment in broadband infrastructure deployment aims to promote digital inclusion and advance equity by ensuring access to reliable, affordable, high-speed internet. States are encouraged to consider how to leverage these investments, target them to communities most in need, implement digital equity plans, and connect underserved communities to good jobs created through these investments. Additionally, the Digital Equity Act provides \$2.75 billion to establish three grant programs that promote digital equity and inclusion and may support such efforts.

(2) Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act

The CHIPS and Science Act provides approximately \$52.7 billion to increase semiconductor production in the United States. The CHIPS for America Fund includes \$39 billion in incentives for employers to increase semiconductor production and \$11 billion for research and development. The Department of Commerce (DOC) will manage a competitive grant program to fund semiconductor research and development activities for eligible private, nonprofit and consortia applicants. Significantly, successful applicants will need to obtain commitments from institutions of higher education and training entities to provide workforce training for economically disadvantaged individuals residing in communities underrepresented in the

⁵ Pursuant to Section 70914 of the Build America, Buy America Act (BABAA), title IX of the Infrastructure Investment and Jobs Act (P.L. 117-58), certain programs, including the VR program, must comply with the following BABAA domestic sourcing requirements when using Federal funds for construction, including remodeling and broadband infrastructure: (1) all iron and steel used in the infrastructure project or activity are produced in the United States; (2) all manufactured products used in the infrastructure project or activity are produced in the United States; and (3) all construction materials are manufactured in the United States. The other five core programs (Adult, Dislocated Worker, Youth, AEFLA, and the Wagner-Peyser Act Employment Service programs) must satisfy the Buy American Act requirements pursuant to Section 502(a) of WIOA.

industry, and also create an opportunity for State and local boards to identify and convene partners.

(3) Inflation Reduction Act (IRA)

The IRA's \$369 billion investment to fight the climate crisis reinforces the Administration's commitment to families, equity, and environmental justice. The IRA will help improve job quality in clean energy industries and incentivize the expansion of workforce training pathways into these jobs, which will help lift many people into the middle class, particularly workers who have been historically underrepresented in these industries, and invest in communities that have been historically underserved. The law includes targeted labor and workforce development standards—primarily prevailing wage and Registered Apprenticeship targets—as well as significant investments in manufacturing and domestic content requirements for electric vehicles. State and local boards should assess how IRA investments may expand the manufacturing and clean energy industry sectors in their region and develop a plan for sector-based strategies that incorporate meaningful career pathways into those newly created or expanded jobs.

The workforce opportunities presented by these investments are summarized in documents such as [Bipartisan Infrastructure Law State Fact Sheets](#), a guide titled [Advancing Equitable Workforce Development for Infrastructure Jobs](#) published by the White House, DOL Employment and Training Administration's [Training and Employment Notice No. 08-22](#), [Building Pathways to Infrastructure Careers: Framework for Preparing an Infrastructure Workforce](#), and in reports by the National Governors Association such as [A Toolkit for State Workforce Development Policymakers](#).

Investments that Prepare Workers for Quality Jobs

Strengthening economic self-sufficiency hinges on the ability of individuals to obtain good jobs that provide family-sustaining wages and advancement opportunities. Evidence-based workforce development models such as career pathways, Registered Apprenticeships, and worker-centered sector strategies including labor management partnership training programs, when appropriately designed and implemented, can increase availability of good jobs,⁶ and help to close equity gaps. The workforce system can design services and develop sector partnerships with employers, educators, labor organizations, and community partners to create good jobs and well-defined career pathways starting from entry-level positions. Any industry sector can benefit from a focus on good jobs, ranging from the care sector that is critical to a thriving workforce or the advanced manufacturing jobs critical to the jobs of the future. Different programs might play different roles in preparing a job seeker for a good job, e.g., career guidance that incorporates information about benefits; adult education and literacy programs that support workers moving along career pathways; strong reemployment connections between unemployment insurance and workforce development programs to maximize workers' abilities to maintain income and benefit levels; career and technical education programs that provide skills and credentials for obtaining good jobs; and vocational rehabilitation (VR) programs that support access to and support in quality competitive integrated employment outcomes for individuals with significant disabilities. For

⁶ See definitions of good jobs at <https://www.dol.gov/general/good-jobs/principles>.

additional information on maximizing services and the use of funds to support quality employment outcomes for individuals with disabilities through the VR program, see [RSA-TAC-23-03](#).

Through the State planning process, States can create a holistic framework to better define good jobs and ensure that job quality is a top priority for both employers and job seekers. A good jobs framework should reflect the eight principles identified by the DOL and DOC and provide both employers and job seekers with standards for evaluating quality. For additional information on the principles and actionable steps to improve job quality, see [TEGL No. 07-22](#).

Data-Driven Decisions

When States last submitted their State Plan modifications in March 2022, the COVID-19 pandemic and its disruptions to the global and local economies were subsiding, but still very much present. In developing and submitting the State Plan and its modification for PYs 2024 through 2027, States must assess economic and labor market information (LMI) and adjust strategies for what may now be a different set of growing versus declining industries, occupations, in-demand skills and credentials. LMI informs both immediate response and ongoing recovery efforts in a dynamic economic environment. State planners must work closely with the LMI directors⁷ in their States to understand the current and emergent workforce needs of their economies. Furthermore, States' LMI analyses must assess disparities in labor market outcomes among various populations⁸ and should plan how best to adapt and adjust their workforce goals and strategic focus for underserved populations and those communities with disproportionately higher unemployment and underemployment rates and lower earnings.

The Departments encourage States to use longitudinal data systems and compare and share data and LMI across agencies, regardless of inclusion in the WIOA State Plan, to support data-informed decisions. For example, such data analysis could support Perkins V career technical education programs in carrying out comprehensive local needs assessments⁹ or in identifying which infrastructure occupations are most likely to provide opportunities for individuals who are justice-involved.

The Departments also encourage States to explore research studies (such as those conducted by the Departments themselves) that include analysis of not only quantitative but also qualitative data. Such studies can provide critical details related to the design and delivery of services to individuals with different needs and preferences, and thus help assure that any new approaches will result in participants being well prepared for, and able to obtain, good jobs in various industries.

⁷ A list of all LMI Directors is available at <https://www.bls.gov/bls/ofolist.htm>.

⁸ WIOA Section 102(b)(1)(B) and *Workforce Innovation and Opportunity Act (WIOA) Unified and Combined State Plan Requirements* (OMB control # 1205-0522), Section II(a)(1)(B).

⁹ Perkins V is the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act. Section 135(c) requires comprehensive local needs assessments.

Investing In Youth

The Departments continue to envision a no-wrong-door youth workforce system that offers seamless access to resources, programs, and wraparound services; offers paid work experiences for young people; and coordinates with critical WIOA core partners as well as with employers, sector-based industry coalitions, workforce intermediaries, labor unions and worker organizations, secondary and postsecondary education institutions, Registered Apprenticeship Program sponsors, pre-apprenticeship programs, community based organizations, and philanthropy to advance a shared commitment to high quality career pathways for young workers.

WIOA encourages further alignment and coordination, as appropriate, between the Title I Youth program, Job Corps centers across the nation, Title II AEFLA program, and Title IV VR program through the provision of pre-employment transition services¹⁰ to students with disabilities, who could be co-enrolled in programs and served by program staff who are co-located in one American Job Center, thereby providing seamless services. Additionally, all six WIOA core programs and career and technical education programs supported by Perkins V can work together with employers to arrange unique work-based learning opportunities, especially for in-school youth. When strategically aligned, these funding sources increase the capacity of programs to support innovative education and employment strategies, like career pathways, and can help young adults meet their employment and educational goals. States and local areas can leverage resources across Title I Youth, Title II AEFLA, Title IV VR, and workforce development community partners to ensure seamless services for youth, such as through co-location of different titles of WIOA or partner programs, co-enrollment strategies, and the provision of pre-employment transition services under the VR program. Additionally, WIOA places heightened emphasis on coordination and collaboration at the Federal, State, and local levels among these programs to ensure a streamlined and coordinated service delivery system for youth with barriers to employment, including youth with disabilities. Through this State Plan process, State and local workforce development boards, VR agencies, and educational agencies should coordinate and complement agency-specific services with each other, as well as other systems that serve students with disabilities, such as State Medicaid/Medicare agencies, Centers for Independent Living, and Intellectual and Developmental Disabilities agencies.

Equity in Service Delivery and Educational Programming

States should examine population groups, particularly those identified in the LMI analysis as having higher unemployment and lower earnings than the overall population, and explore existing inequities with access to and participation in public workforce and education programs, and outcomes in terms of employment and earnings, and placement in quality jobs.¹¹ States and

¹⁰ Pursuant to Section 113(a) of the Rehabilitation Act, the VR agency must provide or arrange for the provision of pre-employment transition services to students with disabilities in the State who are eligible or potentially eligible for the VR program. By arranging the provision of these services with the title I Youth and title II AEFLA programs, the pre-employment transition services will be seamless to students with disabilities in the States.

¹¹ See Executive Order 13985, [Federal Register: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government), <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

local areas should examine, where data are available, which communities and neighborhoods were particularly economically impacted during the pandemic and its aftermath in order to focus resources and referral networks for maximum impact. States and local areas also should focus on communities and neighborhoods that have experienced inequities even prior to the pandemic. The Departments encourage States to demonstrate how they will develop education, training, and career service strategies that better address and promote equity in recruitment, service design, implementation, and support services to improve access and outcomes for individuals in such communities. State workforce policymakers can adopt mechanisms that allow seamless transitions and alignment among programs, including programs that support low-income job seekers such as recipients of Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), and those supporting individuals with disabilities such as State mental health or Medicaid services. Mechanisms should prioritize supports and services for individuals from underserved communities, and thus open up good jobs for workers often left out of economic growth and opportunity, while promoting economic stability. This includes supporting educators to leverage technology for innovative and personalized instruction and increasing access to internet and devices for students and families. Nimble, modularized, innovative, and personalized services—including better leveraging technology for synchronous and asynchronous program delivery—can provide flexibility and adaptability to workers and learners, increasing equitable engagement in services and meeting their needs while they are balancing competing commitments and schedule challenges.

Enhance Supportive Service Offerings

Services that assist individuals begin work, return to work, retain work, and advance at work not only include education, training, and employment services, but also include services that support individuals' personal, and family needs and reduce barriers to work. Some of the most successful workforce training programs have incorporated supportive services, and programs like VR have long incorporated supportive services in their program models. WIOA State Plans require discussions of how supportive services are made available to participants, and the State planning process is an opportunity to reimagine how supportive services can change job seekers and learners' career trajectories into high-paying good jobs. States should continue to partner with State and local entities, such as community-based organizations or social and health agencies that have deep roots in underserved communities, since they are key to improving outreach and support for an equitable recovery, assisting with access to transportation, referrals to physical and mental health assistance, substance misuse, housing assistance, child and dependent care, and income supports such as Unemployment Insurance (UI), TANF, and SNAP. Supportive services are essential to ensure that youth and adults can stay engaged in program offerings and reach their educational and employment goals; they are particularly critical for those impacted by the justice and child welfare systems, individuals with disabilities, individuals without housing, or those with limited English proficiency. Partnerships with community-based organizations with deep roots in underserved communities are key to improve outreach and supports for an equitable recovery.

Strategic Partnering

Strategic partners can play an essential role in refocusing State Plans to address local, regional, and state-specific challenges and solutions, including strategies to improve job quality, elevate worker voice, and close equity gaps. For instance, workforce board leaders are uniquely positioned to convene all the stakeholders of a workforce development system to align resources and efforts that lead to quality results for businesses and career seekers. Strategic partnering includes bringing together stakeholders such as employer/industry associations, unions, labor councils and labor-management partnerships, state departments of education pre-apprenticeship and Registered Apprenticeship Program sponsors, community colleges and education and training providers, institutions of higher education, community-based organizations, and various ETA competitive grantees, to design and articulate a vision for the short- and long-term, such as through their State Plans.

PLANNING REQUIREMENTS:

States must use the ICR *Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act* (OMB control number 1205-0522) to develop and submit the WIOA Unified or Combined State Plan and the two-year modification. A copy of the ICR, which complies with statutory requirements set forth in, as appropriate, Sections 102 and 103 of WIOA, is available at https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/OMB%20approved%20State%20Plan%20ICR_1205-0522_5_4_2023.docx. A copy of these requirements is also available through the State Plan Portal, developed specifically for the required electronic submission.

The Departments also wish to remind States that several changes have been made to the WIOA State Plan ICR. Broadly, the Departments updated the ICR to—

- Clarify and refine several existing requirements across all program sections of the ICR and some requirements related to the AEFLA program-specific section;
- Consolidate several data elements into fewer elements, particularly in the VR services portion of the State Plan section;
- Add three new requirements related to cross-program activities under WIOA Title I programs and the Trade Adjustment Assistance program;
- Replace some requirements for the WIOA Title I youth program with requirements more relevant to current program implementation; and
- Add an assurance for the Wagner-Peyser Act Employment Service program.

STAKEHOLDER COLLABORATION AND COMMENT:

Stakeholder collaboration, review, and comment are key requirements of the four-year planning process. State boards are responsible for assisting the governor in the development, implementation, and modification of the State Plan and for convening all relevant programs, required partners, and stakeholders to contribute to the State Plan. The Departments encourage inclusion of the State LMI and evaluation offices (or their equivalent) during plan development and modification to obtain assistance with labor market data, relevant evaluations, existing

research, and analysis. Such evidence-informed planning can be strengthened by direct communication with the State agencies responsible for implementing BIL investments, such as State departments of transportation. The State Plan must be developed with the assistance of the state board, as required by Section 101(d) of WIOA, and in coordination with administrators that have optimal policymaking authority for the core programs and required one-stop partner programs. For Combined State Plans, the portions of the plan that cover partner programs are subject to any public comment requirements applicable to those partner programs.¹² Strong planning also includes engagement of communities impacted by the activities named in WIOA State Plans. States must provide the opportunity for public comment and input, which allows interested stakeholders to participate actively, effectively, and transparently in the development of the State Plan and the modification, including via accessible means for individuals with disabilities. The governor may seek public comment from any targeted stakeholder, such as Registered Apprenticeship Program sponsors, and must ensure that the State Plan is developed with an opportunity for public comment from representatives of—

- local boards and chief elected officials;
- businesses;
- labor organizations;
- community-based organizations;
- adult education providers;
- institutions of higher education;
- other stakeholders with an interest in the services provided by the six core programs; and
- the general public, including individuals with disabilities.¹³

The state board also must make information regarding the State Plan and planning process available to the public, which may include program participants, through electronic and accessible means and by holding regularly occurring open meetings in accordance with State law prior to the submission of the State Plan.¹⁴

INSTRUCTIONS FOR STATE PLAN SUBMISSION:

States must submit their State Plan, including the common elements and program-specific portions, via the State Plan Portal (<https://wioaplans.ed.gov>), which has been developed for cross-program collaboration in States and to facilitate the simultaneous receipt and review of plans across multiple Federal agencies. While multiple individuals in States may enter content into the portal, only one individual from each State may submit to the Departments the entire plan on behalf of the governor for all included programs. Although the governor's designee is required to submit the plan, the State program directors, or the Director's designated person, are responsible for completing the applicable programs' portions of the State Plan (i.e., Title II AEFLA and Title IV VR programs). The governor for each State must notify the Departments of

¹² See 20 C.F.R. § 676.143(c)(3) and 34 C.F.R. §§ 361.143(c)(3) and 463.143(c)(3).

¹³ See Section 101(b)(1) of WIOA for required members of the State board. See also Section 102(b)(2)(E)(ii) of WIOA for related public access requirements.

¹⁴ See WIOA Section 101(g) and 20 C.F.R. § 676.130(d) and 34 C.F.R. §§ 361.130(d) and 463.130(d).

the individual designated to submit the State Plan on behalf of the governor for all programs included in the State Plan, even if that designee has not changed since the PY 2022 modification submission. As early as possible, but no later than February 15, 2024, the governor's office must submit a letter or email with the name of the designee to WIOA.PLAN@dol.gov with a copy to the appropriate ETA Regional Office.

To request a State Plan Portal user account or to update existing account login information, visit <https://wioaplans.ed.gov>. Previously approved WIOA State Plans are available within the portal for reference.

PERFORMANCE NEGOTIATIONS FOR CORE PROGRAMS:

To outline the requirements for reaching agreement on the negotiated levels of performance for the states outlined in WIOA Section 116, the Departments issued joint guidance titled, *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* (ETA TEGL No. 11-19 (Change 1), OCTAE Program Memorandum 20-2 (revised May 2023), and RSA TAC-20-02 (revised May 2023). The Departments will continue to negotiate program specific levels of performance. The appendix in the Unified and Combined State Plan ICR discussed in this section, and in Attachment I of this guidance, reflect which indicators the Departments will negotiate for which programs for PYs 2024 and 2025. See Attachment I of this guidance for more instructions on establishing performance levels.

WAIVERS:

As discussed in TEGL No. 08-18, *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, the Secretary of Labor may grant States additional flexibility through the waiver authority for portions of WIOA Title I and Wagner-Peyser Act requirements when permitted. WIOA Title I funds can be used for a very wide range of activities; see the [Yes, WIOA Can!](#) website for examples of flexibility undertaken under current law. Waivers are an optional tool for reducing barriers to WIOA implementation and spurring innovative programming options. States may submit WIOA Title I and III waiver requests as part of their State Plan or separately. As a reminder, waiver requests must discuss, to the extent possible, quantifiable outcomes the State hopes to achieve by using the waiver.

All currently approved waivers expire on June 30, 2024.¹⁵ Therefore, States should submit new waiver requests as part of the State Plan submission for reconsideration if they wish to continue implementing waivers that ETA approved previously. As articulated in waiver approval letters, States agreed to meet certain performance or other program measures resulting from the waiver. States requesting a waiver renewal beyond June 30, 2024, must provide in the renewal request the most recent data available about the outcomes of the waiver.¹⁶ Failure to do so may result in delay of approval of the requested waiver. Find waiver-related resources at <https://www.dol.gov/agencies/eta/wioa/waivers>.

¹⁵ For waivers related to the 75 percent out-of-school youth expenditure requirement, waivers are in effect for the full amount of time that states have to spend program year funds.

¹⁶ See 20 C.F.R. § 679.620(d)(7).

REFERENCES AND ADDITIONAL RESOURCES

- Workforce Innovation and Opportunity Act (WIOA) ([Pub. L. 113-128](#)) (July 22, 2014);
- Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule (WIOA Joint Final Rule) published at [81 FR 55792](#) (Aug. 19, 2016);
- Employment and Training Administration, Workforce Innovation and Opportunity Act; Final Rule (WIOA DOL Final Rule) published at [81 FR 56072](#) (Aug. 19, 2016);
- State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage—Final Rule (Office of Special Education and Rehabilitative Services (OSERS) Final Rule) published at [81 FR 55630](#) (August 19, 2016);
- Programs and Activities Authorized by the Adult Education and Family Literacy Act (Title II of WIOA)—Final Rule (WIOA OCTAE Final Rule) published at [81 FR 55526](#) (August 19, 2016);
- ICR [Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications Under the Workforce Innovation and Opportunity Act](#), approved under Office of Management and Budget (OMB) control number 1205-0522;
- Training and Employment Guidance Letter (TEGL) [No. 08-18](#), *Workforce Innovation and Opportunity Act (WIOA) Title I and Wagner-Peyser Act Waiver Requirements and Request Process*, dated December 19, 2018;
- Training and Employment Notice ([TEN](#)) [No. 20-16](#), “Announcing the publication and effective date of the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule in the *Federal Register*,” dated December 2, 2016;
- [TEN No. 10-15](#), *Workforce Innovation and Opportunity Technical Amendments Act*, dated September 17, 2015;
- [TEN No. 14-21](#), *Workforce Innovation and Opportunity Act (WIOA) Core Program Performance Accountability Assessment for Program Years (PY) 2020 and 2021*, dated October 27, 2021;
- Unemployment Insurance Program Letter ([UIPL](#)) [No. 17-14](#), *Revised Employment and Training (ET) Handbook No. 336, 18th Edition: “Unemployment Insurance (UI) State Quality Service Plan (SQSP) Planning and Reporting Guidelines*, dated July 7, 2014;
- Jobs for Veterans Act (Public Law 107-288, [38 U.S.C. § 4215](#)), Priority of service for veterans in Department of Labor job training programs (For current instructions to submit an annual Jobs for Veterans State Grants Application for Funding, access the policy on VETS website, <https://www.dol.gov/agencies/vets/resources/VPLS/VPLDirectory>);
- [OCTAE Program Memorandum 22-1](#), *Workforce Innovation and Opportunity Act WIOA Core Program Performance Accountability Assessment for Program Years (PYs) 2020 and 2021*, dated October 26, 2021;
- [TEGL 14-21](#), *Workforce Innovation and Opportunity Act (WIOA) Core Program Performance Accountability Assessment for Program Years (PYs) 2020 and PY 2021*, dated October 27, 2021;
- Yes, WIOA Can! Community of Practice; <https://ywc.workforceegps.org>;
- WIOA Waiver Information; <https://www.dol.gov/agencies/eta/wioa/waivers>;

- Apprenticeship USA; <https://www.apprenticeship.gov/investments-tax-credits-and-tuition-support>;
- FACT SHEET: [The Bipartisan Infrastructure Investment and Jobs Act Creates Good-Paying Jobs and Supports Workers](#);
- [TEN No. 08-22](#): Building Pathways to Infrastructure Careers: Framework for Preparing an Infrastructure Workforce (October 21, 2021);
- [TEN No. 07-22](#): Joint Communication on Resource Leveraging & Service Coordination to Increase Competitive Integrated Employment for Individuals with Disabilities (October 18, 2022);
- *White House. Advancing Equitable Workforce Development for Infrastructure Jobs* published at https://www.whitehouse.gov/wp-content/uploads/2022/11/Advancing-Equitable-Workforce-Development-for-Infrastructure-Jobs_110122.pdf (November 1, 2022);
- National Governors Association Workforce Development in the IJIA, CHIPS, and IRA: A Toolkit for State Workforce Development Policymakers published at https://www.nga.org/wp-content/uploads/2023/02/Workforce_Development_IJIA_CHIPS_IRA_8Feb2023.pdf (April 13, 2023);
- Office of Management and Budget Memorandum: Advancing Effective Stewardship of Taxpayer Resources and Outcomes in the Implementation of the Infrastructure Investment and Jobs Act published at <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-12.pdf> (April 29, 2022);
- [TEN No. 12-21](#): Practitioners Guide to Supportive Services (October 15, 2021);
- [TEN No. 10-22](#): Joint Communication on Guidance to States on Addressing the Workforce Needs and Safety of the Telecommunications Industry (December 6, 2022);
- [TEGL No. 07-22](#): Increasing Employer and Workforce System Customer Access to Good Jobs (January 18, 2023);
- [TEGL No. 21-22](#): Increasing Equitable Service Access and Employment Outcomes for All Jobseekers in Workforce Innovation and Opportunity Act Adult and Dislocated Worker Programs (June 9, 2023);
- [TEGL No. 09-22](#): Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance (March 2, 2022);
- [TEGL No. 13-16](#): Guidance on Registered Apprenticeship Provisions and Opportunities in the Workforce Innovation and Opportunity Act (January 17, 2017);
- National Clearinghouse of Rehabilitation Training Material: <https://ncrtm.ed.gov/>; and
- Education Resources Information Center (ERIC): <https://eric.ed.gov/>.

INQUIRIES:

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_____/s/
Carol L. Dobak
Deputy Commissioner,
delegated the authority to perform the
functions and duties of the Commissioner

cc: Council of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind

Attachment I: Performance Goals and Instructions for the Core Programs

State Plans must identify expected levels of performance for each primary indicator of performance for the first two years covered by planning cycle. The State must reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education, on the negotiated levels of performance for the indicators for each of the first two years of the plan.

The Adult, Dislocated Worker, Youth, Adult Education and Family Literacy Act (AEFLA) and Vocational Rehabilitation (VR) programs will have sufficient data available to make reasonable determinations of expected levels of performance for the following indicators for Program Year (PY) 2024 and PY 2025:

- Employment¹⁷ (Second Quarter after Exit);
- Employment¹⁸ (Fourth Quarter after Exit);
- Median Earnings (Second Quarter after Exit);
- Credential Attainment Rate; and
- Measurable Skill Gains.

The Wagner-Peyser Act Employment Service program will have sufficient data available to make a reasonable determination of expected levels of performance for the following indicators for PY 2024 and PY 2025:

- Employment (Second Quarter after Exit);
- Employment (Fourth Quarter after Exit); and
- Median Earnings (Second Quarter after Exit).

The Credential Attainment Rate and Measurable Skill Gains indicators do not apply to the Wagner-Peyser Act Employment Service program; therefore, this program will not submit expected levels of performance for these indicators.

During PY 2022, the Departments initiated the rulemaking process to establish a standard definition of the sixth performance indicator, Effectiveness in Serving Employers (ESE) (see Notice of Proposed Rulemaking at 87 FR 56318 (Sept. 14, 2022)). In the spring 2023 Unified Agenda, the Departments announced plans to issue a final rule in November 2023 and will keep the public informed of any changes to this timeline. The Departments are working on finalizing this rule and will issue further guidance on implementing this indicator when the rule is finalized. States are not required to submit expected levels of performance for this indicator during the State planning process for PY 2024 and PY 2025. However, States must continue to report the requisite Effectiveness in Serving Employers data, as required.

Each State must update its plan to include the agreed-upon negotiated levels of performance before the Departments approve a State Plan.

States may identify additional indicators in the plan, including additional approaches to measuring ESE, and may establish levels of performance for each of the State indicators. Please

¹⁷ For Title I Youth programs, employment, education or training.

¹⁸ For Title I Youth programs, employment, education or training.

identify any such State indicators under Additional Indicators of Performance. Note that States may not sanction local areas, or make other corrective actions based on additional State indicators.

Include the State’s expected levels of performance relating to the performance accountability indicators based on primary indicators of performance described in Section 116(b)(2)(A) of WIOA.

Title I – Adult Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

Title I – Dislocated Worker Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

Title I – Youth Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

Title II – Adult Education and Family Literacy Act Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

Title III – Wagner-Peyser Act Employment Service Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

Title IV – Vocational Rehabilitation Program

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Employment (Second Quarter after Exit)				
Employment (Fourth Quarter after Exit)				
Median Earnings (Second Quarter after Exit)				
Credential Attainment Rate				
Measurable Skill Gains				

All WIOA Core Programs

	PY 2024 Expected Level	PY 2024 Negotiated Level	PY 2025 Expected Level	PY 2025 Negotiated Level
Effectiveness in Serving Employers	Not applicable	Not applicable	Not applicable	Not applicable

Additional Indicators of Performance				
1.				
2.				
3.				
4.				
5.				
6.				