



January 29, 2016

Office of Information and Regulatory Affairs
Attn: OMB Desk Officer for DOL-ETA
Office of Management and Budget
Room 10235
725 17th Street, NW
Washington, DC 20503

Comments on *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)

The Migration Policy Institute's National Center on Immigrant Integration Policy (NCIIP) is pleased to submit the following comments on the *Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act* (WIOA) to the Office of Management and Budget.

1) Implementation of Priority of Service Provisions

WIOA's automatic priority of service requirement represents a significant policy and operational change since few of those now designated a priority have been able to access training services in the past. In program year 2014 for example, just 1.2 percent of exiters from Title I Adult Intensive and Training Services were limited English proficient (LEP) and just 11.7 percent of all exiters from all Adult programs had less than a high school diploma or equivalent.¹ National and state level sociodemographic analyses recently published by MPI demonstrate that immigrants and refugees are a large share of the potential priority population in many parts of the United States due to their high rates of low-income, low-educated, and LEP status.² Given the extremely weak record of federally funded training programs in providing services to LEP individuals in particular, it is critical to ensure they and others entitled to priority for career and training services under the Title I Adult Formula program are equitably represented among those ultimately served with those funds.

Section VI(b)(4) requires all unified and combined plans to "describe how the state will implement and monitor the priority for public assistance recipients, other low-income individuals, or individuals who are

¹ Social Policy Research Associates, *Program Year 2014 WIASRD Data Book* (Washington, DC: U.S. Department of Labor, Employment and Training Administration, Office of Performance and Technology, 2016), https://www.doleta.gov/performance/results/pdf/PY_2014_WIASRD_Data_Book.pdf.

² See Margie McHugh and Madeleine Morawski, *Immigrants and WIOA Services: Comparison of Sociodemographic Characteristics of Native- and Foreign-Born Adults in the United States* (Washington, DC: Migration Policy Institute, 2015), <http://www.migrationpolicy.org/research/immigrants-and-wioa-services-comparison-sociodemographic-characteristics-native-and-foreign>.

basic skills deficient in accordance with the requirements of WIOA sec. 134(c)(3)(e), which applies to individualized career services and training services funded by the Adult Formula program.”

While we support this requirement, we believe the following additions and changes are necessary to effectively implement WIOA’s priority of service provision.

- A. We recommend that the Department of Labor correct language regarding priority populations wherever it appears to match WIOA’s statutory language by changing “or individuals who are basic skills deficient” to read “and individuals who are basic skills deficient” in accordance with section 134(c)(3)(E) of WIOA. This will clarify that the priority applies to all populations identified in WIOA section 134(c)(3)(E).
- B. In order to effectively comply with the requirement in section VI(b)(4) to implement and monitor the priority of service for recipients of public assistance, low income individuals, and individuals who are basic skills deficient, we recommend that the Workforce Analysis required in section II(a)(1)(B) be expanded to include the following:

(v) Priority of Service. Provide an analysis of potential clients designated as a priority for services in accordance with WIOA sec. 134(c)(3)(e) including an estimate of the number and share of individuals in the state that are a) recipients of public assistance; b) low-income; c) basic skills deficient including those who lack a high school diploma or equivalent, are limited English proficient, or both.

This analysis should use the most recent sociodemographic data available from the U.S. Census Bureau in order to ensure fidelity in implementation of the service priority: states and localities should use the most accurate service-priority population estimates possible to plan the initial design of adult training services; to guide implementation of the priority at the local level; and to monitor and appraise the performance of all levels of the system to determine whether those designated for priority under the law were in fact represented in equitable proportions among those served.

- C. We also recommend that the Assessment required in section II(b)(4) be expanded to include the following language (in bold):

(4) Assessment. Describe how the State will assess the overall effectiveness of the workforce development system in the State in relation to the strategic vision and goals stated above in sections (b)(1), (2), and (3), **and in implementation of priority of service requirements in accordance with WIOA sec. 134(c)(3)(e)** and how it will use the results of this assessment and other feedback to make continuous or quality improvements.

- D. Finally, we recommend that State plans be required to describe how local workforce boards, all one-stop center operators and one-stop delivery system providers will make publicly available

the state's policy regarding the priority of service for individuals who are public assistance recipients, other low-income individuals, and individuals who are basic skills deficient.

2) Assessment of Need for Provision of Title II Adult Education Services

In order to develop data-driven goals and to ensure that adult education services are provided to target populations set forth in the law, we recommend that all unified and combined state plans be required to include a needs assessment in section II(a)(1)(B)(iii) as follows:

(iii) Education and Skill Levels of the Workforce. Provide an analysis of the education and skill levels of the workforce, **and an analysis of key populations that are a focus of WIOA Title II Adult Education and Literacy Services, including: a) adults with less than a high school degree or equivalent; b) individuals with very low levels of education and/or basic skills; c) individuals who are limited English proficient; d) low-educated and/or LEP parents of young children; e) foreign-born individuals who have not attained U.S. citizenship. This analysis should cross-tabulate population characteristics where possible in order to identify the number and share of individuals in need of services to address multiple barriers.**

3) Accessibility of WIOA Services for Individuals with Limited English Proficiency

Section III(b)(9) requires that states describe how they will ensure that one-stop centers are able to meet the needs of limited English proficient individuals, a population that has historically comprised an extremely low share of those receiving Title I intensive and training services.³ We applaud the Department for recognizing the importance of access to services for limited English proficient individuals. However, in order to ensure implementation of new provisions in WIOA that provide an automatic priority of service for LEP individuals (among others) we recommend the addition of the following policy to section III(b):

(10) Addressing the Accessibility of Title I Career and Training Services for Individuals with Limited English Proficiency. Describe how the State will ensure that all Title I career and training services are accessible to individuals who are limited English proficient. States should also describe how limited English proficient individuals will be identified and provided priority access to training services for which they are otherwise eligible, in accordance with WIOA section 134(c)(3)(E).

For more information please contact Margie McHugh, Director of MPI's National Center on Immigrant Integration Policy (mmchugh@migrationpolicy.org) or Madeleine Morawski, NCIIP Associate Policy Analyst (mmorawski@migrationpolicy.org).

³ Social Policy Research Associates, *Program Year 2014 WIASRD Data Book*.