



**INFORMATION COLLECTION REQUEST (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)**

Federal Register Notice for State Plan: Sections 102 & 103 of WIOA  
29 United States Code (USC) Chapter 32: Sections 3112 Unified State Plan and 3113 Combined State Plan

The **National Council of State Directors of Adult Education** (NCSDAE) appreciates the opportunity to respond to the Information Collection Request (ICR) on the 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), with particular reference to 29 USC Chapter 32, Sections 3112 (Unified State Plan) and 3113 (Combined State Plan).

The State Directors of Adult Education supported the enactment of WIOA and worked closely with Congress and the Administration to ensure that the legislation strengthened the American workforce by making systemic improvements in the workforce system, promoted college and career readiness, and improved the ability of all adults to earn a family sustaining wage and contribute to their communities.

Our members represent large and small states. Some states include large urban areas and others that are significantly rural, and some are incredibly diverse while others are more homogeneous. We appreciate that WIOA strives to create a workforce “system” but we believe that the “system” needs to be sufficiently flexible to accommodate the varied situations in the states.

We are pleased that Adult Education retains its own Title in WIOA. This sends an important signal to our core partners as well as administrators, practitioners of adult education, students in adult education programs, and employers that Adult Education is a critical component of our job creation efforts.

We appreciate that by including Adult Education as a core program in the unified state plan, and requiring that those who administer Adult Education programs be represented on State and Local Workforce Boards, this legislation recognizes the crucial role Adult Education plays in preparing those aged 16 and above for college and career readiness and employment in the economy of the 21<sup>st</sup> century.

We support the unified and combined planning processes but are concerned that there may be some states in which the process that leads to the development of the plan is not as collaborative as the law plainly suggests. We urge both the Department of Education and the Department of Labor to remind all the core programs that they must truly collaborate if WIOA is to succeed.

While funding for WIOA is not a regulatory issue, we would be remiss if we did reiterate our concerns that WIOA imposes new requirements and responsibilities on the new workforce system, in general, and on Adult Education programs, in particular.

Funding for Adult Education programs has declined by 25 percent in real terms since 2002. We are serving only 60 percent of the number of students served in 2001 and only five percent of the eligible students nationwide. We recognize that WIOA provides higher authorization levels each year from fiscal year 2015 through fiscal year 2020, but even if fully funded, we would still be below the level at which Adult Education was funded a decade ago.

Regarding the state planning process, as you will see in our comments below, there remain many instances in which we believe greater clarification is needed. We urge the Departments to provide such clarification as expeditiously as possible so that the planning processes in the states can continue efficiently.

We look forward to working with the Departments of Education and Labor to successfully implement WIOA in the months ahead.

**Comments:**

1. Section 3111 (b)(1)(C)(iii)(aa) states that The State Board “shall include the lead state officials with primary responsibility for the core programs” and (b)(3) states that “no person shall serve as a member for more than 1 of the category described in paragraph (1)(C)(i). Our members request clarification as to whether a single board member can represent both the Community and Technical College system and Title II or must each have its own representative on the Board.
2. Section 3112 (b)(2)(E)(ix) (Assurances) states “that the State will pay an appropriate share) as defined by the State board) of the costs of carrying out section 31412 of this title, from funds made available through each of the core programs. Our members request clarification as to whether there are cost limitations for such contributions, whether such contributions are to be factored into infrastructure costs of one-stops.
3. Section 3122 (b)(2)(C)(i-iii) states that “each local board shall include representatives of entities administering education and training activities in the local area ...” Our members request clarification as to whether a local board member can represent more than one area (for example, could the same person represent adult education and literacy activities and an institution of higher education).
4. Section 3122(b)(6) the Special Rule states “If there are multiple eligible providers serving the local area by administering adult education and literacy activities under subchapter II,

ore multiple institutions of higher education serving the local area by providing workforce investment activities, each representative on the local board described in clause (i) or (ii) of paragraph (2)(C), respectively, shall be appointed from among the individuals nominated by the local providers representing such providers or institutions, respectively. We understand this to allow local providers to nominate representatives to the local board and that the local board must appoint an individual from those nominations. Is this a correct interpretation?

5. Section 3164(a)(1)(B) defines Out of School Youth. Our members believe the definition should be clarified, with particular attention to the question of whether a state could define students pursuing a GED in a high school re-engagement program connected to K-12 as Out of School Youth. Our assumption is that the answer to that question is no, because that would enable states to divert OSY funds away from basic education OSY to fund students still attached to the K-12 system, which has access to much more funding and resources.

Another question: Is it allowable for K-12 re-engagement students to first be enrolled in WIOA and then be enrolled in K-12 re-engagement programs during the same year, so funds from both could be used? We do not believe that this was the intention behind increasing funds to address the needs of OSY.

Finally, this practice requires that K-12 re-engagement students would only be eligible for OSY if pursuing a GED. However, there are multiple options for students to acquire a high school equivalency in addition to the GED, including seeking a high school diploma.

6. Section 3272(12) defines Integrated English Literacy and Civics Education, but there remains a lack of clarity on the use of these funds. It is not clear whether these funds must be used only for educational services that are delivered in combination with integrated education and training services that lead to a certificate, degree, or job. Would this mean that these students would be required to participate in workforce training leading to certification/degree or job while participating in education? Could this funding be used for individuals in non-certificate/degree, such as an “on-ramp” program to workforce training?

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