



**Comments
On
The Joint Rule
Workforce Innovation and Opportunity Act NPRMs
RIN 1205-AB74**

The Illinois Community College Board appreciates the opportunity to comment on The Joint Rule proposals in the WIOA regulations. These comments are based on Regional Sessions held in the state with Adult Education, Career & Technical Education, and Community College representatives. In addition, some of the comments are also based on comments from the National Council of State Directors of Adult Education (NCSDAE).

The Illinois Community College Board is also grateful for the opportunity to provide feedback on the proposed regulations to implement the Workforce Innovation and Opportunities Act of 2014. As the member of the State of Illinois' WIOA Implementation Interagency Working Group responsible for programs under **Title II –Adult Education and Literacy (AEL) Act** of WIOA, we are pleased to submit the comments below on behalf of our partners.

The information below cites specific comments on The Joint Rule, NPRM - **RIN 1205-AB74** proposal.

**WIOA- The Joint Rule
RIN 1205-AB74**

676.115

- With regard to 676.115(a)(3), we recommend that states be allowed to await the results of the national data integration workgroup, before attempting to create individual state interoperable systems. Due to the variety in existing state data systems, regulations that attempt to accommodate those differences are impractical. Instead, non-regulatory guidance rather than regulation would be appreciated. That guidance should highlight existing solutions that run the spectrum from a) States where the partners actually have developed one shared data system, to b) States that have designed a means for individual partner data systems to communicate with each other to c) States that use proxy demographic data to match participants.

677.150

- With regard to 677.150(c), we do not agree with the consideration of a common exit-based definition. We request that exits be counted as individual exits from each of the core partner programs, instead of a common exit from the system. The common exit definition would risk individual core partners not achieving their outcomes, if participants took longer to transition and exit from a second or third core partner program.

677.155

- With regard to 677.155 and the six primary indicators to be applied to the core programs, we submit the following general comments:
 - The use of SSNs as tracking numbers will be problematic, as Title I services require SSNs, but Title II services do not. In addition, undocumented individuals and those who refuse to disclose their SSNs would need another way of tracking.
 - The indicators, as currently set, may cause a “creaming” effect, taking only those individuals performing at the highest levels. We need to encourage and include low skilled adults.
 - The indicators, as currently set, may also ignore the portion of the population seeking to better themselves and their families, without entering the workforce or postsecondary education. This population includes those over the age of 65, the disabled, and others who are not in the labor force or seeking a degree, including many English language learners who are seeking simply to improve themselves and contribute to their families and communities.
 - The indicator regarding high school equivalency as only being counted if the individual enters the workforce or postsecondary education within one year will leave out a sizable population – those who do not transition. This indicator is valuable, but obtaining a high school equivalency diploma in and of itself should also be counted as an indicator in the measurable skill gains, with increases in educational functioning levels (EFLs).

- With regard to 677.155(a)(1)(i) and 677.155(a)(1)(ii), and the two calculations on employment, it is important to take into consideration that there are some students who are not actively in, or seeking to enter, the labor force, which could have a detrimental effect on employment rate measures, unless those individuals are left out of the denominator. Additionally, a separate data base would need to be accessed to gather all the pertinent information on employed and underemployed individuals. States must be provided with options for databases and data sharing. States need flexibility in deciding what works best for them.
 - Also, we request clarification on the definitions for ‘quality of employment’ and ‘better jobs’. A job that has flexible hours but less pay may be better for some individuals, but if better job is only counted if there is an increase in pay, that rate would not be an accurate rate from the perspective of the employee.

- With regard to 677.155(a)(1)(ii) and the measure defining employment retention, we agree with the need to measure those who are employed in the fourth quarter, without regard to the results of the measure of those, in the same group, who were employed in the second quarter. Additionally, those without SSNs should be excluded from the denominator, and those that are in each cohort should be measured at both the second and fourth quarters.

- With regard to 677.155(a)(1)(iii), and the use of median earnings as an indicator, we agree that using median earnings would be a good indicator, but believe that the measurements of this indicator should take place at the same intervals as the measures for employment, at the second and fourth quarters.

- With regard to 677.155(a)(1)(iv), and the measure requiring that those individuals who obtain a high school equivalency only be counted in the measure if the individuals are also enrolled in a training program, or postsecondary education or employed within one year of completion, the measure is currently written in a way that would discount a significant population: those who do not transition.
 - Additionally, this measure would require AEL to do job placements, which are not a part of the Adult Education mission.

- The measure is a good one, but we request that as a part of the measurable skill gains measure, high school equivalency completion be included as an indicator of a skill gain. For example, measurable skill gains should include an increase in all obtainable educational functioning levels and/or high school equivalency completion.
- With regard to 677.155(a)(1,3)(v), and the measure that involves measurable skill gains, we request changing “and” to “and/or”, to allow for flexibility in the use of indicators for skill gains. Additionally, we request adding the following additional indicators:
 - Add: Work assessments, standardized testing, postsecondary and industry recognized credentials, high school equivalency achievement, and all obtainable educational functioning levels.
 - Add: Workforce readiness exams such as WorkKeys, NOCTI, etc.
 - Amend to read “(1) the achievement of the EFLs of a participant...” The intent is to allow multiple EFL advancements.
 - Amend to read: “(3) a transcript or report card for either secondary or post-secondary education for those who enroll a minimum of six hours per semester that shows a participant is achieving the State’s units policies for academic standards”
 - Add: Other approved measures that demonstrate effectiveness in skill gains.
- With regard to 677.155(a)(1)(vi) and the measurement of effectiveness of serving employers, we request that this indicator be eliminated as a measure for AEL, as Adult Education already works closely with Career & Technical Education (postsecondary Perkins), the workforce system, and business and industry to ensure the we are providing programs and services that meet the needs of employers using labor market information provided by other core partners.
 - Additionally, if this measure moves forward, the efficacy of this indicator will be almost entirely subject to employer cooperation and use of services. Not all employers will need or want services from the core programs. Focusing on the services provided and the quality of those services would be a far better measurement than the number of employers served.
 - Lastly, some Title II programs will work with employers, but will do so as eligible training providers under Title I, but not necessarily with direct connection to Title II services.

§678.715, §678.720, §678.730, §678.735, §678.740, & §678.760 – Infrastructure costs

- Clarification is needed on the calculation of one stop Infrastructure costs at the state and local levels.
- Clarify that contributions can be cash and in-kind.
- Clarify the total a local program (in multiple local workforce areas) contributes for one-stop infrastructure costs are 1.5%.

678.715

- With regard to 678.715, we request clarification on the definition of “proportionate share”.
- We also request that the text be amended to include language that ensures that the proposed firewall between the Title I operator and the local workforce development board remains in place.

678.760

- With regard to 678.760 and shared costs in the one-stop, we request clarification on other systems costs and branding before entities begin working on Memoranda of Understanding (MOUs).