



**LEAD CENTER**

**POLICY BRIEF**

# Reviewing and Updating Your WIOA Unified or Combined State Plan from a Disability Perspective

February 2018

## I. INTRODUCTION: DEPARTMENTS OF LABOR AND EDUCATION ISSUE NEW STATE PLAN GUIDANCE

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On January 24, 2018, the Department of Labor's (DOL's) Employment and Training Administration (ETA) issued new guidance to State Workforce Agencies, State and Local Workforce Boards and other partners ([TEGL 6-17](#)) on approaches to be taken to submit any modifications to their state plan now that two years have elapsed since submission of original [Workforce Innovation and Opportunity Act \(WIOA\) Unified or Combined State Plans](#). On January 19, 2018, the Department of Education's (ED's) Rehabilitation Services Administration issued complementary guidance to State Vocational Rehabilitation Agencies ([RSA-TAC-18-01](#)). Although all States have plans that have been approved for Program Years 2016-2019, WIOA requires that States review their plans every two years and update their plans based on changes in the labor market, economic conditions or other factors affecting implementation.

The Employment and Training Administration has developed several Training and Employment Guidance Letters (TEGLs) that provide guidance on WIOA Requirements for Unified and Combined State Plans. This brief references [TEGL 14-15](#) and [TEGL 6-17](#).

## II. DOL/ED GUIDANCE ON MODIFICATIONS TO STATE PLANS

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1. States need to describe their progress in revising a) data collection and reporting systems, and b) ways to strengthen program strategies reflecting current economic and labor conditions.
2. WIOA State Plans must include descriptions of activities to be coordinated among WIOA's six core programs ([TEGL 14-15, p. 3](#)):
  - the Adult program (Title I)
  - the Dislocated Worker program (Title I)
  - the Youth program (Title I)

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- the Adult Education and Family Literacy Act program (Adult Education or AEFLA) (Title II)
- the Wagner-Peyser Act program (Wagner-Peyser Act, as amended by Title III), and
- the Vocational Rehabilitation (VR) program (Title I of the Rehabilitation Act of 1973, as amended by Title IV).

3. A State must negotiate adjusted levels of performance for each of the primary indicators for the core programs with the U.S. Department of Labor ([TEGL 6-17, Attachment II](#)):

**Title I programs (Adult, Dislocated Worker, and Youth):**

- Median Earnings (Youth)
- Measurable Skills Gains
- Effectiveness in Serving Employers

**Title II program (Adult Education and Family Literacy Act):**

- Employment in the 2<sup>nd</sup> quarter
- Employment in the 4<sup>th</sup> quarter
- Median Earnings
- Credential Attainment
- Effectiveness in Serving Employers

**Title III program (Wagner-Peyser):**

- Effectiveness in Serving Employers

**Title IV program (Vocational Rehabilitation):**

- Employment in the 2<sup>nd</sup> quarter
- Employment in the 4<sup>th</sup> quarter
- Median Earnings
- Credential Attainment
- Measurable Skills Gains
- Effectiveness in Serving Employers

4. A State Plan must describe how the State will develop and implement a unified, integrated workforce system rather than a plan that discusses the approach to operating six core programs separately. The plan must describe Strategic Planning Elements and Operational Planning Elements ([TEGL 14-15, pp. 5-6](#)):

The **Strategic Planning Elements** of the Unified or Combined State Plan must include an analysis of the State’s current economic environment and identification of the State’s overall vision for its workforce development system, including analyses of the State’s workforce characteristics and workforce development activities. These analyses drive the required vision and goals for the State’s

workforce development system and alignment strategies for workforce development programs to support economic growth. For Combined State Plans, the Strategic Planning Elements apply to Combined State Plan partner programs included in the plan as well as to all of the core programs ([TEGL 14-15, pp. 5](#)).

The **Operational Planning Elements** section identifies the State's planned actions to implement and support the State's strategic vision and goals as identified in the Strategic Planning Elements section. This section ensures that the State has the necessary infrastructure, policies, and activities to meet its strategic goals, implement its alignment strategy, and support ongoing program development and coordination. The State Operational Plan must elaborate on the Strategic Plan section relating to the State's plan and resources for an aligned and integrated workforce system, describing how the programs included in the State Plan will serve various individual participants. For instance, the State Operational Plan should discuss how services for employers and various job seekers will be delivered. Similarly, the State Plan must also describe the State's plans to align data systems and support evaluations ([TEGL 14-15, pp. 5-6](#)).

5. The plan must address the specific needs of individuals with barriers to employment including individuals with disabilities and how programs will collaborate to engage in the following activities ([TEGL 14-15, pp. 8-9](#)):
  - Conducting outreach activities to individuals with barriers to employment;
  - Conducting training activities for One-Stop Career Centers and partner staff on how to work with these populations, and the available community-based resources and Federal resources;
  - Partnering with agencies and organizations serving specific populations;
  - Collaborating with the business sector to make the business case for hiring populations with barriers;
  - Implementing strategies to increase access to on-the-job-training, mentoring, Registered Apprenticeships, internships and job-shadowing opportunities;
  - Providing educational and training services that lead to career pathways opportunities and the development of talent pipelines;
  - Implementing plans to improve securing a job, retaining employment, and implementing return-to-work strategies for job seekers who are disconnected from the workforce; and
  - Implementing designs to create a universally accessible, welcoming, user- and customer-friendly environment for the delivery of employment services, including remote services for rural areas. For examples of strategies to achieve universal accessibility, see Training and Employment Notice 1-15 available at [https://wdr.doleta.gov/directives/attach/TEN/TEN\\_01-15.pdf](https://wdr.doleta.gov/directives/attach/TEN/TEN_01-15.pdf).

6. States must provide the opportunity for public comment including community-based organizations, employers, the general public, individuals with disabilities and State and Local Workforce Development Boards prior to submission of the plan to the U.S. Department of Labor ([TEGL 6-17 pp. 3](#)).
7. States must submit an updated budget and proposed performance levels for the upcoming program year ([TEGL 6-17 pp. 4](#)).

### III. DOL/ED TIMELINES

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1. The two-year update must be submitted by March 15, 2018 via the Web Portal.
2. The U.S. Departments of Labor and Education will review and provide a decision within 90 days.

### IV. ACTION STEPS

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- 1. Review key elements of your state plan.** If you are a member of the disability community, the starting point to consider is to read your current State Plan. You can access your State Plan on the Data and Resources to Inspire a Vision of Employment (DRIVE) website portal at <http://drivedisabilityemployment.org/> or through a link to DRIVE on the LEAD Center's homepage at <http://leadcenter.org>. Look at State Profiles to select your State and review the WIOA profile. Segments of each State Plan have been identified as important for the disability community, including such areas as Employment First, Customized Employment, Section 188 (Equal Opportunity provisions focusing on physical and programmatic accessibility), braiding resources and more. What your state plan says about these areas has been pulled out to be readily visible to you on the DRIVE portal. There is also a link under "WIOA Profile" to the full WIOA State Plan.
- 2. Determine opportunities to comment on your state plan.** Visit the webpage of your State Workforce Development Agency. On the website <https://us.jobs/state-workforce-agencies.asp>, you will find an interactive map that can direct you to a State's official Workforce Agency site. It is likely your state agency's website will have information on plan modification development and opportunities for public comment on draft changes. They also may provide an opportunity to raise questions and/or areas of interest to improve effective and meaningful participation of youth and adults with disabilities in the Workforce Development System.
- 3. Raise potential areas of need for youth and adults with disabilities.** Consider the following questions to ask regarding your State's development of modifications to their current plan as it relates to youth and adults with disabilities. Note that some of these questions relate to required elements of the State Plan while others are additional areas to consider. For the latter, this document notes that those items are not requirements.

## STATE WORKFORCE ANALYSIS

1. Does the State Plan's required analysis of the current workforce include an analysis of individuals with disabilities (including youth with disabilities) and other individuals with barriers to employment that identifies:
  - The number of individuals working in non-integrated settings and those being compensated through a 14c waiver.
  - The number of individuals involved in non-conventional post-secondary education and job training (e.g., community rehabilitation programs) that may serve individuals who often do not attend four-year colleges, community colleges, and trade schools.
  - The number of individuals with disabilities involved in apprenticeships.
2. Does the State Plan's workforce analysis of the current labor market trends include identifying skill gaps by individuals with barriers to employment, including individuals with disabilities?

Financial literacy has been found to play a significant role in a person's ability to achieve and maintain employment. It should be considered a "skill" when analyzing the potential workforce.
3. *(Note: not an explicit requirement)* Does the State have an Employment First policy? Does this policy have any set goals for the employment of individuals with disabilities? If so, are Employment First goals reflected in the State Plan? Does the State Plan reference Section 511 and requirements and restrictions around the payment of subminimum wages? Is there a relationship between the State Employment First employment activities and activities identified under WIOA? Are Employment First goals being integrated into goals for labor market participation among individuals with disabilities?

## STATE STRATEGIC VISION AND GOALS

4. Does the State Plan's statement of goals for preparing an educated and skilled workforce include goals for preparing youth and adults with disabilities?

## STATE PERFORMANCE GOALS

5. Does the State Plan describe how it will establish performance goals, ensure that those goals are met for each subpopulation including those with disabilities, and disaggregate performance data to measure outcomes for individuals with disabilities and other individuals with barriers to employment?
6. Does the State Plan address the needs of individuals with disabilities with respect to attaining employment and focus on employment that offers opportunities for career advancement that can legitimately result in economic self-sufficiency?

## STATE STRATEGY

7. Do the State Plan's strategies to achieve its strategic vision and goals include a discussion of specific strategies to address the needs of individuals with disabilities (including youth with disabilities) and other individuals with barriers to employment?

8. Does the State Plan describe how it will streamline service delivery across multiple programs to make the system understandable to and accessible for individuals with disabilities and other individuals with barriers to employment?
9. Does the State Plan describe strategies the State will use to align the State’s vocational rehabilitation program and other disability-related optional one-stop partner programs to achieve fully integrated customer services consistent with the strategic vision and goals?
10. Does the State Plan identify how mandated and optional one-stop partner program activities and resources will be coordinated to provide high quality customer-centered services, including supportive services to job seekers with disabilities (e.g., service coordination across systems, transportation support, personal assistance, financial literacy support, etc.)?
11. Does the State Plan identify required and optional disability-related programs such as programs carried out by State agencies relating to mental/behavioral health, Medicaid and intellectual/developmental disabilities; activities carried out by Statewide Independent Living Councils and Centers for Independent Living; Ticket to Work and Self-Sufficiency Program; the Client Assistance Program (CAP); and programs administered by disability service providers?

## STATE BOARD FUNCTIONS

12. Does the State Plan’s description of State Board functions include the development of strategies to support career pathways for the purpose of providing individuals with workforce development services, education, and supportive services to enter or retain employment, with specific strategies for including individuals with disabilities and other barriers to employment,?
13. Does the State Plan’s description of State Board functions include identification and dissemination of best practices for serving individuals with disabilities and other individuals with barriers to employment? Does the State Plan include a reference to and incorporation of Training and Employment Notice No. 01-15 “Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide?”
14. Does the State Plan’s description of State Workforce Board functions include descriptions of improvements to ensure technology, including assistive technology, is available and accessible to individuals with disabilities at AJCs?

## COORDINATION, ALIGNMENT, AND PROVISION OF SERVICES TO INDIVIDUALS

15. Does the State Plan describe how the State VR agency and entities providing optional disability-related programs will coordinate activities and resources for individuals with disabilities and other individuals with barriers to employment?
16. Does program coordination across programs and partners include operational elements or standards for leveraging resources and capacity between programs, including resources and capacity for serving individuals with disabilities? (See [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, December 18, 2017)

17. Do the program coordination standards include operational standards, such as Integrated Resource Teams (IRTs) like those piloted in the Disability Employment Initiative (DEI), or other methods used to jointly coordinate and/or fund services to meet the specific needs of all individuals, including individuals with disabilities and others with barriers to employment?

## MEMBERSHIP OF STATE BOARD

18. Does the State Plan provide a membership roster for the State Board that includes:
- The State VR director?
  - Community-based organizations that provide services that support competitive, integrated employment for individuals with disabilities?

## ADDRESSING THE ACCESSIBILITY OF THE ONE-STOP DELIVERY SYSTEM

19. Does the State Plan describe how the One-Stop Delivery System (including one-stop operators and the One-Stop Delivery System partners) will comply with Section 188 of WIOA (if applicable) and applicable provisions of the Americans with Disabilities Act with regard to physical and programmatic accessibility of facilities, programs, services, technology, and materials for individuals with disabilities? Do such actions include:
- Providing reasonable accommodations for individuals with disabilities?
  - Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against individuals with disabilities?
  - Administering programs in the most integrated setting appropriate?
  - Communicating with individuals with disabilities as effectively as with others?
  - Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary, to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity?
20. Does the State Plan describe how the State Board engages early with relevant Equal Opportunity Officers in establishing the criteria for determining compliance with physical and programmatic accessibility requirements and other requirements related to providing equal opportunity, including equal opportunity for individuals with disabilities?
21. Does the State Plan include a description of compliance through providing staff training and support for addressing the needs of individuals with disabilities?
22. Does the State Plan describe the State's One-Stop Certification Policy, including the criteria regarding effectiveness related to physical and programmatic accessibility?
- Does the State Plan certification policy include criteria specific to physical and programmatic accessibility for all comprehensive One-Stop Centers?
  - Does the State Plan certification policy include criteria specifying that all affiliated sites must be physically and programmatically accessible to individuals with disabilities?
23. Does the State Plan include a reference to and incorporate information included in Training and Employment Notice No. 01-15, "*Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide?*"

## USE OF GOVERNOR'S SET-ASIDE FUNDING

WIOA provides for a 15 percent set-aside for the Governor of a state to fund state-led initiatives and workforce system service delivery innovations that address state-specific needs (e.g., enhancing training services to at-risk populations such as veterans, youth, people with disabilities, etc.; expanding work-based training for out-of-school youth through pre-apprenticeships and Registered Apprenticeships, etc.).

24. *(Note: not an explicit requirement)* Does the State Plan propose the use of set-aside funds for financial literacy activities for youth and/or adults, including individuals with disabilities?
25. *(Note: not an explicit requirement)* Does the State Plan propose using set-aside funds for connecting education and training strategies, supporting work-based learning, and/or improving job and career results for job seekers with disabilities including youth with disabilities?
26. *(Note: not an explicit requirement)* Does the State Plan propose using set-aside funds to further advance Employment First strategies for youth and adults with disabilities?

## V. ADDITIONAL RESOURCES

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- 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, December 18, 2017: <https://doleta.gov/wioa/docs/December17-ICR-State-Plan-Modification.pdf>
- Reviewing Your State's WIOA Unified or Combined State Plan (WIOA Title I Requirements): <http://www.leadcenter.org/resources/tool-manual/reviewing-your-state-s-wioa-unified-or-combined-state-plan-wioa-title-i-requirements>
- WIOA and the Unified State Planning Process - Part 2 of 4-Part Series on WIOA: <http://www.leadcenter.org/webinars/wioa-and-unified-state-planning-process-part-2-4-part-series-wioa>
- WIOA Related Guidance: [https://wdr.doleta.gov/directives/All\\_WIOA\\_Related\\_Advisories.cfm](https://wdr.doleta.gov/directives/All_WIOA_Related_Advisories.cfm)
- Resources and Tools for Workforce Professionals: <https://www.doleta.gov/usworkforce/>
- Guide to State and Local Workforce Data, Third Edition: [https://lmi.workforcegps.org/resources/2015/04/03/15/48/Guide\\_to\\_State\\_and\\_Local\\_Workforce\\_Data](https://lmi.workforcegps.org/resources/2015/04/03/15/48/Guide_to_State_and_Local_Workforce_Data)
- TEN 1-15 Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide: [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3182](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3182)
- Applying Labor Market Information to Service Delivery Design: [https://lmi.workforcegps.org/resources/2015/04/30/10/47/Putting\\_LMI\\_to\\_Work\\_in\\_Employment\\_and\\_Training\\_Programs](https://lmi.workforcegps.org/resources/2015/04/30/10/47/Putting_LMI_to_Work_in_Employment_and_Training_Programs)
- State Plan Resources: [https://www.doleta.gov/wioa/State\\_Plan\\_Resources.cfm](https://www.doleta.gov/wioa/State_Plan_Resources.cfm)
- Access to State Plan Portal, <https://rsa.ed.gov/>
- WIOA State Plans approved in PY 2016: <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>

- Workforce GPS: <https://www.workforcegps.org>
- Disability and Employment Community of Practice on Workforce GPS: <https://disability.workforcegps.org/>
- Disability Resources for WIOA Practitioners: [https://disability.workforcegps.org/resources/2017/02/15/22/14/The\\_Playlists\\_Disability\\_Resources\\_for\\_WIOA\\_Practitioners](https://disability.workforcegps.org/resources/2017/02/15/22/14/The_Playlists_Disability_Resources_for_WIOA_Practitioners)
- Customized Employment Resources on LEAD Center website: <http://www.leadcenter.org/customized-employment>
- Career Pathway Readiness Assessment Tool, which was developed for Disability Employment Initiative (DEI) partners and is organized around the Six Key Elements of Career Pathways Framework: [https://dei.workforcegps.org/resources/2016/05/11/11/30/Career\\_Pathway\\_Readiness\\_Assessment\\_Tool\\_for\\_DEI](https://dei.workforcegps.org/resources/2016/05/11/11/30/Career_Pathway_Readiness_Assessment_Tool_for_DEI)