



LEAD CENTER

WIOA Final Rule (Title I) from a Disability Perspective

July 28, 2016
3:00 – 4:00 PM EST

WELCOME

Michael Morris

Co-Chair Policy Team, LEAD Center

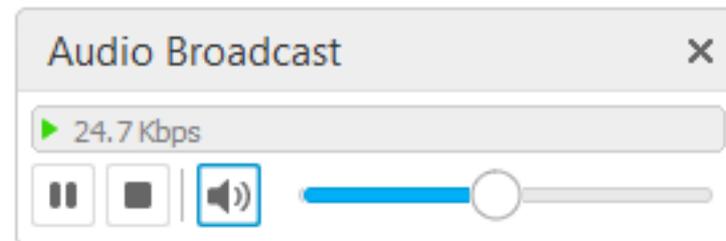
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The National Center on Leadership for the Employment and Economic Advancement of People with Disabilities (LEAD) is a collaborative of disability, workforce and economic empowerment organizations led by **National Disability Institute** with funding from the **U.S. Department of Labor's Office of Disability Employment Policy**, Grant No. #OD-23863-12-75-4-11.

This document does not necessarily reflect the views or policies of the Office of Disability Employment Policy, U.S. Department of Labor, nor does the mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.



LEAD CENTER MISSION

- ▶ To advance sustainable individual and systems level change that results in improved, competitive integrated employment and economic self-sufficiency outcomes for individuals across the spectrum of disability.



AGENDA

- ▶ Welcome and Introductions
- ▶ Review Webinar Outcomes
- ▶ Setting the Context:
 - ▶ WIOA Final Rule
 - ▶ WIOA From a Disability Perspective :Areas of Interest
- ▶ Presentations from Federal Representatives
- ▶ Presentations from Workforce Leaders
- ▶ Response Panel: Q&A
- ▶ Next Steps



WEBINAR OUTCOMES

- ▶ Greater understanding of the WIOA Joint Final Rule as it relates to people with disabilities,
- ▶ Increase understanding of cross-system collaboration opportunities, and
- ▶ Learn about resources available to support WIOA implementation.



TODAY'S SPEAKERS

Christopher Button, Ph.D.

Supervisor, Workforce Systems Policy

Office of Disability Employment Policy

U.S. Department of Labor



TODAY'S SPEAKERS (CONTINUED)

Kimberly Vitelli

Deputy Administrator, Office of Workforce
Investment

Employment and Training Administration
U.S. Department of Labor



TODAY'S SPEAKERS (CONTINUED)

Sue Rankin-White

Program Advisor, Office of the Commissioner
Rehabilitation Services Administration (RSA)
U.S. Department of Education



TODAY'S SPEAKERS (CONTINUED)

Heidi Silver-Pacuilla, Ph.D.

Branch Chief, Applied Innovation and Improvement
Team

Division of Adult Education and Literacy
Office of Career, Technical and Adult Education
(OCTAE)

U.S. Department of Education



TODAY'S SPEAKERS (CONTINUED)

Julie Squire

Policy Director

National Association of State Workforce Agencies
(NASWA)



TODAY'S SPEAKERS (CONTINUED)

Bridget Brown

Executive Director

National Association of Workforce Development
Professionals (NAWDP)



FINAL RULE: IMPLEMENTING TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

(Workforce Development Systems)



OVERVIEW OF WIOA

- ▶ On July 22, 2014, President Obama signed into law Public Law No. 113-128, the Workforce Innovation and Opportunity Act (WIOA). WIOA is the first legislative reform of the public workforce development system in more than 15 years.
- ▶ Title I of WIOA reaffirms the role of the customer-focused one-stop delivery system, a cornerstone of the public workforce development system, and enhances and increases coordination among several key employment, education, and training programs.



WIOA JOINT FINAL RULE

(PRE-PUBLICATION BUT PUBLICALLY AVAILABLE)

- ▶ On June 30, 2016, the Departments of Labor (DOL) and Education (ED) issued a Joint Final Rule to implement jointly administered activities authorized under Title I of WIOA (Joint WIOA Final Rule).
- ▶ This Joint WIOA Final Rule provides guidance for State and local workforce development systems that increase the skill and credential attainment, employment, retention, and earnings of participants, especially those with significant barriers to employment (**which includes individuals with disabilities**).



ADDITIONAL WIOA FINAL RULES

(PRE-PUBLICATION BUT PUBLICALLY AVAILABLE)

- ▶ Title I (Workforce Development) and Title III (Wagner-Peyser) of WIOA published by U.S. Department of Labor
- ▶ Title I of the Rehabilitation Act of 1973 as amended by Title IV of WIOA by U.S. Department of Education

PENDING FINAL RULE PUBLICATION

- ▶ Section 188 of WIOA
 - ▶ Implementation of the Nondiscrimination and Equal Opportunity Regulations
 - ▶ NPRM published on January 26, 2016



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST

▶ Unified or Combined State Plans

- ▶ The Unified and Combined State Plans provide the framework for States to outline a strategic vision of, and goals for, how their workforce development systems will achieve the purposes of WIOA, including cross-system collaboration.
- ▶ The Plans serve as 4-year action plans to develop, align, and integrate the State's systems and provide a platform to achieve the State's vision and strategic and operational goals.



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST (CONTINUED)

▶ Performance Accountability

- ▶ Section 116 of WIOA establishes performance accountability indicators and performance reporting requirements to assess the effectiveness of States and local areas in achieving positive outcomes for individuals served by the core programs.
- ▶ The State performance report must be submitted annually using a template the Departments will disseminate and must provide, at a minimum, information on the actual performance levels achieved with respect to specific criteria for individuals with and without disabilities.

INFORMATION FOR STATE PERFORMANCE REPORTS

- ▶ The total number of participants served, and the total number of participants who exited each of the core programs, including disaggregated counts of those who participated in and exited a core program by, among others, individuals with barriers to employment (which includes individuals with disabilities).
- ▶ Information on the performance levels achieved for the primary indicators of performance for all the core programs, including disaggregated levels for, among others, individuals with barriers to employment.
- ▶ The average cost per participant for those participants who received career and training services, respectively, during the most recent program year and the preceding program years for, as applicable to the program.



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST (CONTINUED)

▶ AJC Accessibility Certification

- ▶ All comprehensive one-stop centers must be certified at least once every 3 years for physical and programmatic accessibility for individuals with disabilities, as described in 29 CFR part 38, the implementing regulations of Section 188 of WIOA (nondiscrimination/equal opportunity).



AJC ACCESSIBILITY CERTIFICATION

- ▶ **Actions include but are not limited to:**
 - ▶ Providing reasonable accommodations for individuals with disabilities;
 - ▶ Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
 - ▶ Administering programs in the most integrated setting appropriate;
 - ▶ Communicating with persons 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; and
 - ▶ Providing for the physical accessibility of the one-stop center to individuals with disabilities.



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST (CONTINUED)

- ▶ Memorandum of Understanding for One-Stop Delivery System between Local Board and One-Stop Partners
 - ▶ The MOU must include, among other things: Funding of infrastructure costs of one-stop centers in accordance with §§678.700 through 678.755, and methods to ensure that the needs of workers, youth, and individuals with barriers to employment, including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system.



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST (CONTINUED)

▶ Career Pathways

- ▶ States are required in their State Plans to include a description of their career pathways strategy and how it will be integrated across core programs.
- ▶ WIOA calls for the creation of career pathways for all youth participating in Title I programs, which individuals with disabilities are eligible for. All youth participating in Title I programs must be highly involved in the design and implementation of their career pathways services in order to best meet their needs.

COORDINATION OF YOUTH SERVICES

- ▶ Income level for eligibility is based on the individual's own income rather than his or her family's income.
 - ▶ Individual with a disability whose own income meets the low income definition (income that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level), but who is a member of a family whose income exceeds this income requirement is eligible for youth services.
 - ▶ Only in-school youth with a disability must be low-income. Out-of-school youth with a disability are not required to be low-income.
- ▶ Local Boards must ensure appropriate links to entities that will foster the participation of eligible local area youth.
- ▶ May include connections to:
 - ▶ Local disability serving agencies and providers
 - ▶ Health and mental health providers.



COORDINATION OF ADULT SERVICES

- ▶ Coordination between employment and training activities and programs carried out in the local area for individuals with disabilities.
- ▶ Including activities carried out by:
 - ▶ Statewide Independent Living Councils
 - ▶ Centers for Independent Living



WIOA FROM A DISABILITY PERSPECTIVE: AREAS OF INTEREST (CONTINUED)

▶ Inclusion of Financial Literacy

- ▶ Financial literacy services are considered individualized career services and must be made available if determined to be appropriate in order for a youth or adult to obtain or retain employment.
- ▶ Final rule added to list of activities that address the particular financial literacy needs of youth with disabilities, *including connecting them to benefits planning and work incentives counseling.*

FIVE KEY AREAS OF NEXT STEP THINKING

1. Review final approved state and local unified or combined plans.
2. Explore structure and process to improve collaboration among systems (Workforce Title I, VR, Medicaid, Education, Mental Health, IDD, Adult Education).
3. Become involved in the State and Local Workforce Development Board review of programmatic and physical accessibility of AJCs.
4. Improve resource coordination to advance inclusive Career Pathways.
5. Identify approaches to offer financial literacy education.



ADDITIONAL RESOURCES

- ▶ WIOA Final Rules
 - ▶ https://www.doleta.gov/wioa/Final_Rules_Resources.cfm
- ▶ Performance Accountability Resource
 - ▶ https://doleta.gov/performance/reporting/eta_default.cfm
- ▶ LEAD Center Summary Description from a Disability Perspective: FINAL RULE Implementing Title I of WIOA
 - ▶ <http://www.leadcenter.org/resource-center/publication/summary-description-disability-perspective-final-rule-implementing-title-i-workforce-innovation-and-opportunity-act>
- ▶ LEAD Summary Description of FINAL RULE Implementing Title IV of WIOA
 - ▶ <http://www.leadcenter.org/resource-center/publication/summary-description-final-rule-implementing-title-i-rehabilitation-act-state-vocational-rehabilitation-amended-title-iv>



ADDITIONAL RESOURCES (CONTINUED)

- ▶ WorkforceGPS Disability and Employment Community of Practice: Discussion Forum on Disability and Workforce
 - ▶ <https://disability.workforcegps.org/discussions>
- ▶ New Blog - Call to Action: Make Disability Visible in Everything We Do
 - ▶ <http://sites.ed.gov/octae/2016/07/26/call-to-action-make-disability-visible-in-everything-we-do/>



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U.S. Department of Labor



Kimberly Vitelli

Deputy Administrator, Office of Workforce
Investment

Employment and Training Administration
U.S. Department of Labor



WIOA FINAL REGULATIONS PUBLICLY AVAILABLE



The U.S. Departments of Labor and Education have made publicly available five rules implementing WIOA. WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

Today (June 30, 2016), the U.S. Departments of Labor and Education announce the advanced posting of the following:

- [Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans.](#)

ANNOUNCEMENTS

June 30, 2016

WIOA Final Regulations Publicly Available

The U.S. Departments of Labor and Education have made publicly available five rules to implement the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128). President Barack Obama signed WIOA into law on July 22, 2014. WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

Check out the rules and other related information [here](#).

June 30, 2016

Performance Accountability Resources Issued

The U.S. Departments of Labor and Education have collaboratively issued Workforce Innovation and Opportunity Act provisions

<https://www.doleta.gov/wioa/>



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The WIOA Final Rules are here.

The U.S. Departments of Labor, Education, and Health and Human Services have released an advance posting of the Workforce Innovation and Opportunity Act (WIOA) Final Rules.

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Welcome to the Innovation and Opportunity Network Community of Practice

The **Innovation and Opportunity Network (ION)** is a community of practitioners, program staff, partners, planners, industry leaders and stakeholders that strive for system improvement, capacity building and excellence in the public workforce system. The ION is a national, regional, state and local alliance that makes available the technical assistance, information sharing, and training needed to implement the vision of the **Workforce Innovation and Opportunity Act (WIOA)** that was signed into law in 2014.

Featured Resources



WIOA Regulations Release
The U.S. Departments of Labor and Education have made publicly available five rules to implement the

Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128). President Barack Obama signed WIOA into law on July 22, ...



WIOA Advisories



WIOA Peer Learning Groups Main Page



New Strategic Boards Tool Kit Materials



WIOA Partner Websites

Resources

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New



WIOA Peer Learning Groups Main Page

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WIOA Advisories

Views: 834

Likes: 6



The Vision of the Workforce Innovation and Opportunity Act

Views: 736

Likes: 7

<https://ion.workforcegps.org/>

Welcome to the Disability and Employment Community of Practice

The Disability and Employment Community of Practice is an online learning destination for public workforce system staff and partners, jobseekers, community-based organizations, grantees, and the business sector, who provide services and programs to people with disabilities and/or other challenges to employment.

Featured Resources



WIOA Title I and IV Final Rule - Summary from a Disability Perspective
The LEAD Center has made available two policy briefs

that provide a summary description from a disability perspective on the Final Rules implementing Title I (Workforce Development Systems) and Title IV (State Vocational Rehabil...



TEN 1-15: Achieving Universal Access and Equal Opportunity -...



Disability Employment Related Websites and Resources



10 Things to Know about the Americans with Disabilities Act



Resource of the week

Resources

Top New



Report on the Social Security Disability

Bene...

Views: 6168

Likes: 1400



Quality Employment for Disabled Veterans

Views: 3026

Likes: 1365



Employer Resource Guide for Hiring and

Retain...

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ETA and VETS announcement of new video

and inf...

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Resource List



Ticket to Work: Workforce EN Planning Guide

Announcement List



Webinar: Implementing the WIOA Final Rule (Title I) from a D...

Posted On: 7/22/2016

Sue Rankin-White

Program Advisor, Office of the Commissioner
Rehabilitation Services Administration (RSA)
U.S. Department of Education





✕ RSA's mission

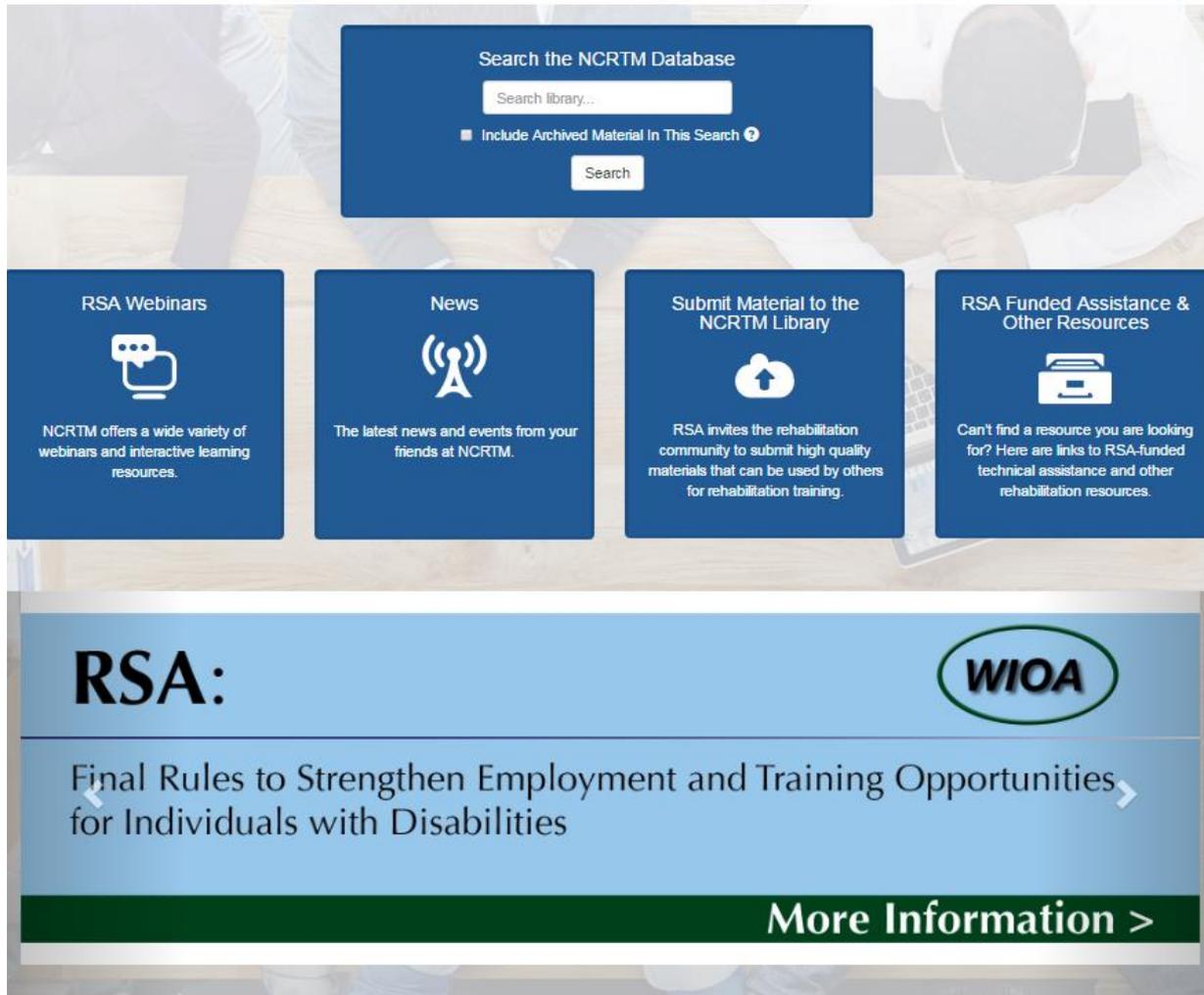
⤴ Workforce Innovation and Opportunity Act (WIOA)

Workforce Innovation and Opportunity Act

- [Overview](#)
- Noteworthy **Final Rules**
- [New Workforce Success Story](#)
- [New WIOA Second Anniversary](#)
- [RSA Regional Meetings Scheduled on Program-Specific Requirements under the *Rehabilitation Act*](#)
- [Frequently Asked Questions](#)
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<https://rsa.ed.gov/>





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RSA: 

Final Rules to Strengthen Employment and Training Opportunities for Individuals with Disabilities

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Workforce Innovation Technical Assistance Center

Working together with State Vocational Rehabilitation Agencies and their partners to effectively implement the requirements of WIOA

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- ▲ *Pre-employment Transition Services*
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- ▲ *Resources and Strategies for Competitive Integrated Employment*

Welcome to WINTAC

Click to view the introduction video!

WINTAC (00:08 / 06:55) Resources

What is the Purpose of the WINTAC?

- The WINTAC is a national center that is funded to provide training and technical assistance (TA) to State Vocational Rehabilitation Agencies (SVRAs) and related rehabilitation professionals and service providers to help them develop the skills and processes needed to meet the requirements of the Workforce Innovation and Opportunity Act (WIOA).
- The WINTAC is funded by a cooperative agreement from the Department of Education's Rehabilitation Services Administration

Menu

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11. Technical Assistance
12. Coordination Activities
13. WIPPs
14. WIPP 2
15. WIPP 3
16. Requesting TA

◀ PREV NEXT ▶

<http://www.wintac.org/>



Heidi Silver-Pacuilla, Ph.D.

Branch Chief, Applied Innovation and Improvement
Team

Division of Adult Education and Literacy
Office of Career, Technical and Adult Education
(OCTAE)

U.S. Department of Education



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The Division of Adult Education and Literacy (DAEL) promotes programs that help American adults get the basic skills they need to be productive workers, family members, and citizens. The major areas of support are Adult Basic Education, Adult Secondary Education, and English Language Acquisition. These programs emphasize basic skills such as reading, writing, math, English language competency, and problem-solving.

Our office provides funds to states for adult education and literacy programs. The amount each state receives is based on a formula established by Congress. States, in turn, distribute funds to local eligible entities to provide adult education and literacy services. Individuals and local providers should check with their [state offices](#) for more information on how to obtain funding for adult education programs.

For the latest news and information about career and technical education and adult education, see the "OCTAE Connection newsletter" and the [OCTAE Blog](#).

What's New

[WIOA Final Regulations](#)

[FY 2016 Allocation Memo](#)

[WIOA Performance ICR](#)

[LINCS Learner Center en Español](#)

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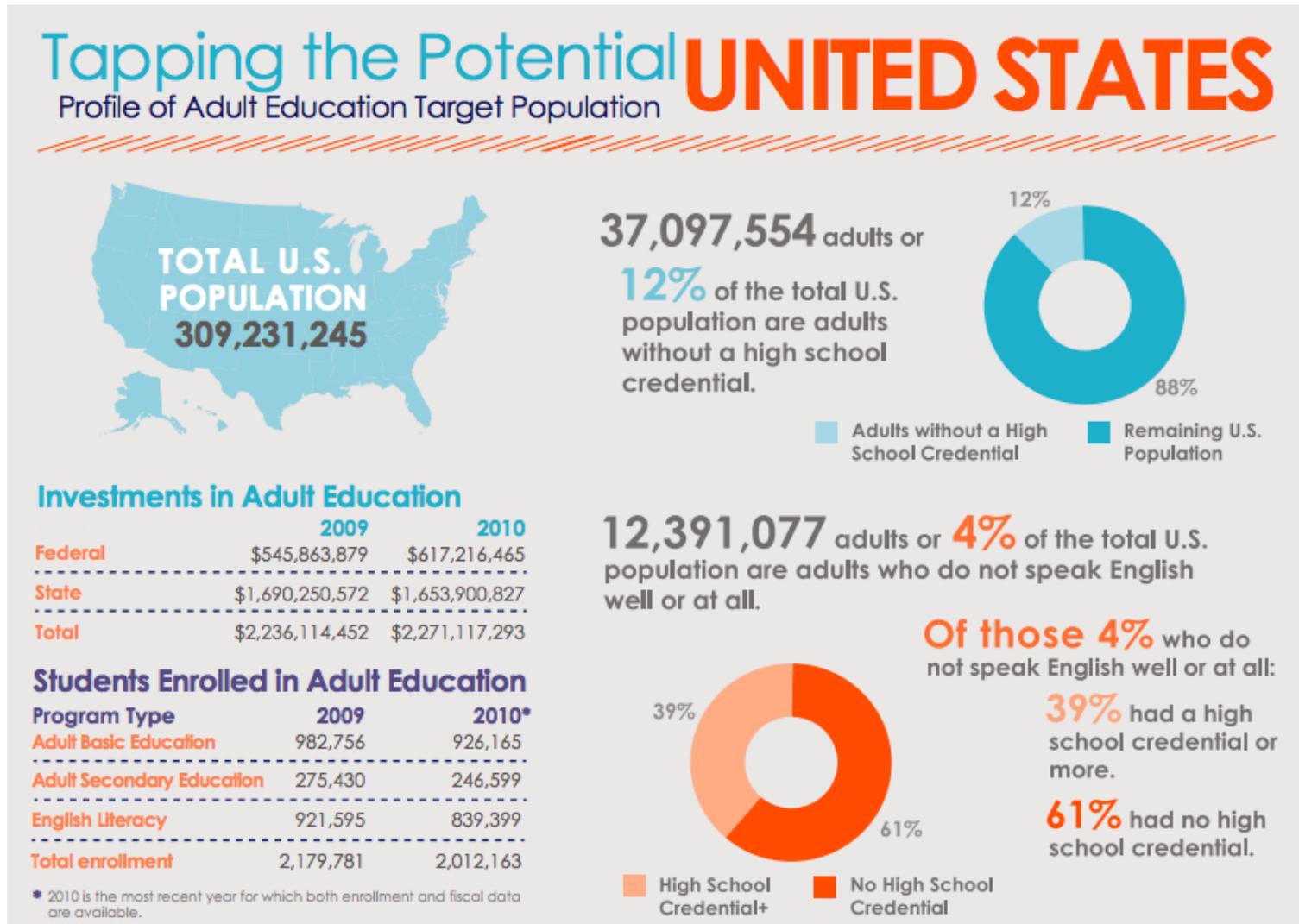
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Adult Education and Family Literacy Act

Title II of the Workforce Innovation and Opportunity Act (WIOA, PL. 113-128, 2014)



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Find resources in our Resource Collection by entering a keyword or phrase

Search within a specific topic area

Assessment
Adult English Language Learners
Career Pathways

Find Resources

Welcome to LINCS!

LINCS is a professional learning platform for adult educators funded by the U.S. Department of Education.

On this website you can:

- find professional development opportunities in the Learning Portal
- participate in discussions with your peers in the community
- access high-quality resources in our Resource Collection

What's New

Announcements



[Preparing English Learners for Work and Career Pathways: Companion Learning Resource](#)

[Adult English Language Learners, Career Pathways, Evidence-based Professional Development](#)



[Meeting the Language Needs of Today's Adult English Language Learner: Companion Learning Resource](#)

Learner Center



The [LINCS Learner Center](#) connects adult learners to free online resources to reach life goals in areas such as improving reading, math, and science skills, learning English, building job and job search skills, becoming a U.S. citizen, and finding an adult education, child, family, and digital literacy program.

LINCS: Online Community of Practice



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Assessment

Posts: 417

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Career Pathways

Posts: 858

Last Activity: July 21, 2016 - 10:19pm



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Financial Literacy Group



Financial Literacy

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Welcome to the *LINCS* Financial Literacy Group.

+ Join

The Financial Literacy Group is a community of practice for practitioners, advocates, researchers, learners, policymakers, and others to discuss instructional and programmatic best practices and issues related to teaching [financial literacy](#) for adults; share strategies, resources, and information for teaching financial literacy skills as part of a contextualized curriculum; and improve public policies related to financial literacy and adult education.

Topics discussed include:

- Effective financial literacy skills and practices individuals need in order to make informed and effective financial decisions
- Budgeting and planning for financing postsecondary education and training
- Instructional strategies
- Financial literacy tools and their use in teaching and staff development

Become more informed, get involved, and be inspired! Share your knowledge with the Financial Literacy Group and help advance our field of practice.

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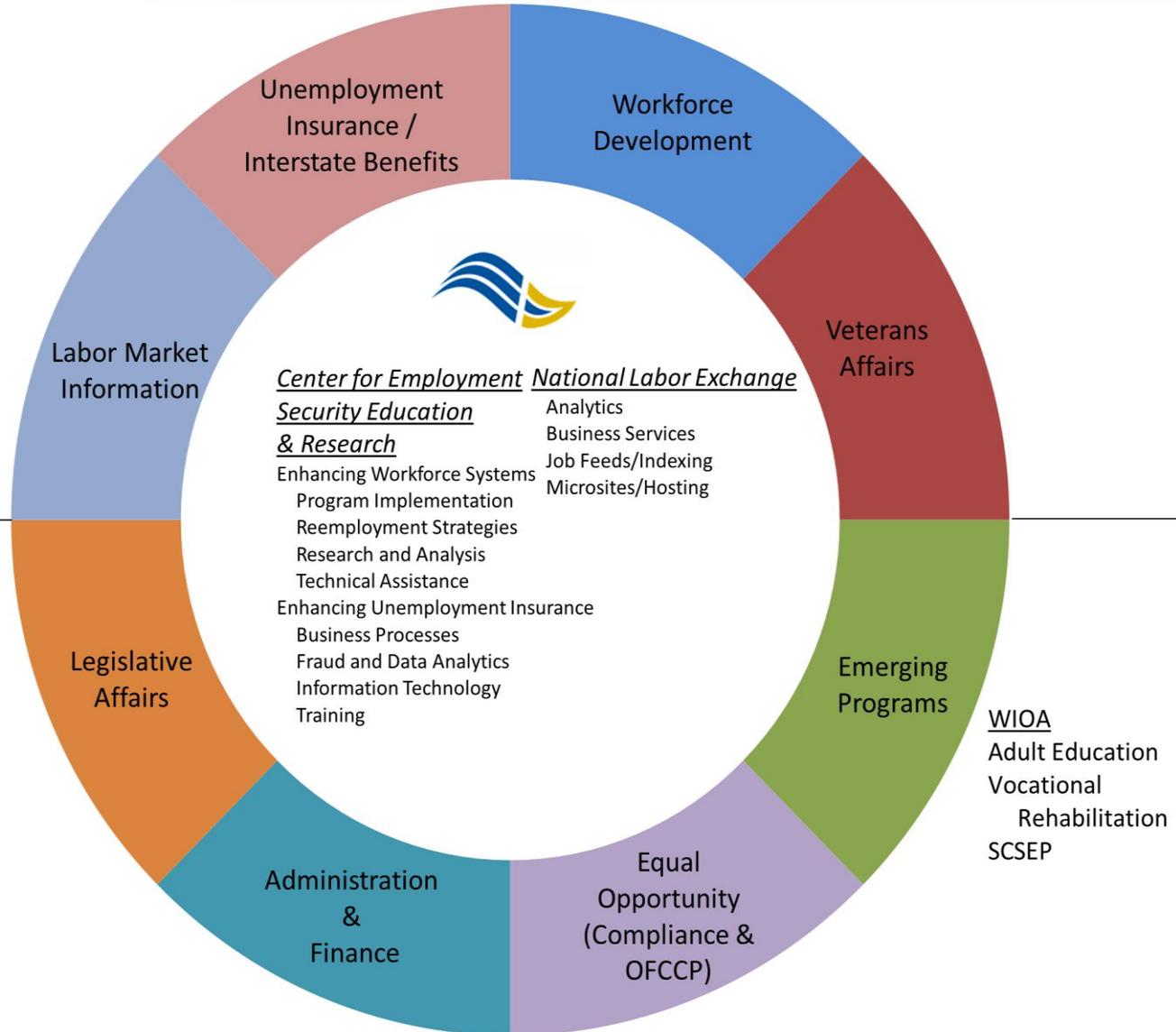
Julie Squire
National Association of State Workforce Agencies
NASWA

***Implementing the WIOA Final Rule (Title I) from a
Disability Perspective***

The National Association of State Workforce Agencies (NASWA) is a national organization of state administrators of the publicly-funded state workforce system, including the Workforce Innovation and Opportunity Act (WIOA), employment services, training programs, unemployment insurance, employment statistics and labor market and workforce information. NASWA delivers policy expertise on workforce development, including unemployment insurance and other transitional support, as the voice of state workforce agencies.

July 28, 2016

Who is NASWA?



Top 50 words in 20 CFR Parts 676, 677, and 678

activities applicable appropriate **area** authorized center
combined contributions core **costs** delivery described
determined development education employment
federal **funding** governor including indicators
individual information **infrastructure** labor levels
local mechanism **one-stop** operator paragraph
participants **partner** performance
plan **program** provided report
requirements secretary section
services **state** system training unified wdb
wioa workforce year

One-Stop Partner Role of the States

- Part 678 of the Joint Regulations emphasize access to employment and training services in the One-Stops.
- States are always partners in the One-Stops when the state administers programs. Examples are Vocational Rehabilitation, UI, the Jobs for Veterans State Grants, and for many states the Wagner-Peyser Employment Service program. Section 678.400.
- Every One-Stop must have an MOU that includes:
 - “*Methods to ensure that the needs of workers, youth, and individuals with barriers to employment, **including individuals with disabilities, are addressed in providing access to services, including access to technology and materials that are available through the one-stop delivery system.***” Part 678.500(a)(4).

One-Stop Partner Role of the States Cont.

- One-Stops have to be certified (section 678.800(a)) on criteria that include both “physical and programmatic accessibility.”
- Evaluations of One-stops must include:
 - 1) Providing reasonable accommodations for individuals with disabilities;
 - 2) Making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination against persons with disabilities;
 - 3) Administering programs in the most integrated setting appropriate;
 - 4) Communicating with persons with disabilities as effectively as with others; [and]
 - 5) 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; and
 - 6) Providing for the physical accessibility of the one-stop center to individuals with disabilities.” Section 678.000(b).

Performance Role of States

- States propose expected levels of performance for Title I in the state plans (section 361.155).
- New performance measures and templates are required (section 361.160), including reports on the performance of eligible training providers (section 463.230).
- States are responsible for ensuring performance with a state monitoring system (section 683.410).

Oversight Role of States to Ensure Equal Opportunity

- States monitor recipients of WIOA title I funding for compliance with accessibility provisions to ensure that programs work as intended. Including:
 - Data Analysis;
 - Investigation of complaints;
 - Assessment of recipient compliance with the nondiscrimination provisions under WIOA section 188; and
 - Communication and training.

Important Non-discrimination Regulations are still Pending

- The nondiscrimination regulations implementing section 188 of WIOA were proposed on January 26, 2016 **and have not been released yet.**
- Comment period has closed; NASWA and others submitted comments.
- These pending regulations are discussed in the Joint Title I rule in the Public Comment section, section III (pages 17-18 of DOL on-line version).
- Current regulations in effect are 29 CFR Part 38.

THANK YOU!

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WIOA Final Rule from a Disability Perspective

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FINAL THOUGHTS



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