

**Implementing the Workforce Innovation and Opportunity Act (WIOA):
Frequently Asked Questions for the Career Technical Education (CTE) Community**

With the passage of the Workforce Innovation and Opportunity Act (WIOA) in the summer of 2014, states and local communities have begun the process of implementing this new law.

The Carl D. Perkins Career and Technical Education Act (Perkins) and the state and local Career Technical Education (CTE) activities that Perkins supports, intersect in many ways with WIOA. It is the new legislation's intent that states and local communities begin to develop a cohesive strategic vision for workforce development that includes CTE as a core component.

However, there are still many outstanding questions related to a few of these points of intersection. The federal regulatory process that will hopefully answer these questions will not be complete until the summer of 2016, and there is a possibility that even with a final set of rules, some of these questions may need to be resolved through additional federal guidance at a future date.

In an effort to provide additional clarity around WIOA implementation the National Association of State Directors of Career Technical Education Consortium (NASDCTEc) and the Association of Career and Technical Education (ACTE) have put together a few answers—based on the text of WIOA, the provisional guidance released by federal agencies so far, and our understanding of the legislation's intent—to a set of frequently asked questions that we hope will support the CTE community as they work to make this new law a success.

State and Local WIOA Planning

The federal agencies overseeing WIOA implementation (U.S. Departments of Labor, Education, and Health and Human Services) have released general requirements for Unified and Combined State WIOA Plans that are [available here](#). This general requirements document is referenced below as (GR). Additionally, the Departments have released program-specific planning requirements which can be [accessed here](#). This program-specific document is referenced below as (PS).

1.) **Does WIOA require CTE representation on State or Local Workforce Development Boards?**

No, WIOA does not require CTE representation on either the State's Workforce Development Board (WDB)¹ or local WDBs where they may exist.² However, state and local WDBs have the option of including CTE representatives at their discretion.

2.) **When are state WIOA plans due for final submission?**

All states must submit their WIOA plans to the appropriate federal agencies by April 1, 2016. It is important to note that the previous due date for state WIOA plan submissions was March 1, 2016. More information on this change is [available here](#).

3.) **What is the difference between a WIOA "Unified State Plan" and a "Combined State Plan"?**

WIOA requires states' workforce development boards (WDB) to assist the governor in developing a single statewide plan that covers all six core programs authorized under the new law:

- Adult formula programs
- Dislocated Worker formula programs
- Youth formula programs
- Adult Education and Literacy programs
- Wagner-Peyser Act employment services
- Vocational Rehabilitation

This is known as a "Unified State Plan" and every state, at a minimum, must submit one to meet the planning requirements of WIOA.

The law also provides states with the option of submitting a "Combined State Plan" which must still incorporate these six core WIOA programs and at least one other optional program identified in the law.³ Including even one of the optional programs classifies the state plan as a Combined State Plan. There are eleven of these optional programs including the Perkins Act:

- Career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.)
- Temporary Assistance for Needy Families Program (42 U.S.C. 601 et seq.)

¹ WIOA Sec. 101

² WIOA Sec. 107

³ WIOA Sec. 103(a)(2)

- Employment and Training Programs under the Supplemental Nutrition Assistance Program (Programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)))
- Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o))
- Trade Adjustment Assistance for Workers Programs (Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.))
- Jobs for Veterans State Grants Program (Programs authorized under 38, U.S.C. 4100 et. seq.)
- Unemployment Insurance Programs (Programs authorized under State unemployment compensation laws in accordance with applicable Federal law)
- Senior Community Service Employment Program (Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.))
- Employment and training activities carried out by the Department of Housing and Urban Development
- Community Services Block Grant (Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.))
- Reintegration of Ex-Offenders Program (Programs authorized under section 212 of the Second Chance Act of 2007 (42 U.S.C. 17532))

4.) *Can my state incorporate just the postsecondary portion of our State Perkins Plan?*

No, if a State chooses to incorporate Perkins into a WIOA Combined State Plan, the entirety of that plan, including its secondary component, must be included at the time of the State's WIOA plan submission.⁴

5.) *If my State chooses to develop a Combined State Plan, does WIOA require my state to include Perkins in that plan?*

No, a state is not required to include Perkins in a WIOA Combined State Plan. At a minimum, all states must submit a Unified State Plan covering the above mentioned six core WIOA programs. If any of the optional 11 programs referenced above are included, the plan is then considered a Combined State Plan according to WIOA.⁵ A Combined State Plan may include just one of the optional programs, or up to all eleven of them.

6.) *Who decides whether to include Perkins in a WIOA Combined State Plan?*

The decision to include Perkins is left to each state's discretion. If a state chooses to pursue a WIOA Combined State Plan that formally includes Perkins, the state must

⁴ WIOA Sec. 103(a)(2)(A)

⁵ WIOA Sec. 103(a)(1)

provide the state eligible agency the opportunity to review and comment on all portions of the plan.⁶

It is important to remember that WIOA defines “the State” as the Governor. This terminology is also used within the official planning documents cited throughout this publication, including the program-specific guidance made available by the federal agencies for the purposes of the Perkins Act.

In the [most recent publication of these materials](#), the Departments have clarified that the term “the State,” as it relates to the Perkins Act, has the meaning of the state’s Perkins eligible agency.

7.) *If my State forgoes incorporating Perkins into a WIOA Combined State Plan, can Perkins be included in a WIOA Combined State Plan at a later date?*

Yes, a State may choose to forgo including Perkins in a WIOA Combined State Plan at the time of the initial planning deadline (April 1, 2016). WIOA allows states to modify their existing state plan at the Governor and State Workforce Development Board’s discretion and also includes a required re-evaluation of the State’s WIOA plan after the first two years of a state’s WIOA plan.⁷

8.) *What are the benefits of including Perkins in a Combined State Plan?*

If a state includes the Perkins Act in a Combined State Plan, it does need to submit a separate copy of the plan to meet the requirements outlined in Perkins.⁸ The creation of a unified, strategic vision for state workforce development activities that aligns and coordinates with CTE is the sole incentive for states to pursue a WIOA plan including Perkins.

9.) *Will the U.S. Department of Education continue to approve and administer Perkins if a state incorporates it into a WIOA Combined State Plan?*

WIOA makes clear that the Secretary of Education will retain approval of and administrative responsibilities for Perkins when its plan is submitted via the WIOA Combined State Plan process.⁹

⁶ WIOA Sec. 103(b)(3)(B)

⁷ WIOA Sec. 102(c)(3)

⁸ WIOA Sec. 103(a)(1) & WIOA Sec. 103(a)(b)(2)

⁹ WIOA Sec. 103(c)

10.) What are the “common planning elements” that must be incorporated into all WIOA state plans?

All state WIOA plans must contain *common planning elements* that fall into two main sections—*strategic planning elements* and *operational planning elements*. These common planning elements must all be addressed whether a state is submitting a Unified State Plan or a Combined State Plan that includes one or more of the optional 11 partner programs noted above.

The *strategic planning elements* section of a WIOA state plan must cover a wide range of issues, but primarily requires the state to conduct an analysis of its economic conditions, characteristics of its workforce, and its workforce development activities.¹⁰ Importantly, this is where states must develop a strategic vision and related set of goals for workforce development, as well as strategies to align specific activities and programs to achieve these objectives.

The *operational planning elements* section of a WIOA state plan must address the aspects of a state plan that speak to the specific steps a state will take to ensure that their strategic vision and the goals for workforce development outlined earlier will be met over the duration of the state’s WIOA plan.¹¹

11.) How do WIOA’s “common planning elements” relate to Perkins?

Significantly, states must include a description in the operational planning elements section of their plan for how the six core WIOA programs and related activities are aligned to and coordinated with Career and Technical Education (CTE) in the state, along with several other programs.¹²

As a result, every state WIOA plan must, as appropriate, include a description for how WIOA’s six core programs are aligning and coordinating with CTE programs and activities underway in the state.

A similar description is required specifically for how the state will engage with education and training providers, most notably community colleges and area career technical education schools, to ensure that they are partnering with the state workforce development system.¹³

It is important to note that these descriptions are required in order for any WIOA plan—whether it is a Unified or Combined State Plan—to be considered complete. However,

¹⁰ GR Sec. II & WIOA Sec. 102(b)(1)

¹¹ GR Sec. III & WIOA Sec. 102(b)(2)

¹² GR Sec. III(a)(B) & WIOA Sec. 102(b)(2)(B)(ii)

¹³ GR Sec. III(a)(E) & WIOA Sec. 102(b)(2)(B)(iv)

these descriptions do *not* constitute the formal inclusion of Perkins in a state’s WIOA plan. Rather they reflect the minimum planning requirements laid out in WIOA and interpreted by the federal agencies.

To that end, individuals tasked with developing a state WIOA plan should engage with state CTE leadership to develop the language necessary to meet these requirements.

12.) In the event that Perkins is included in a WIOA Combined State Plan does that plan still need to meet the requirements contained in current Perkins law?

Yes, all of the planning requirements in current Perkins law must be met in order for a WIOA Combined State Plan, which incorporates Perkins, to be deemed complete.¹⁴

13.) If a state includes Perkins in a WIOA Combined State Plan, what are the Perkins-specific planning requirements that states must address?

In addition to the general planning requirements noted earlier in this document, the federal agencies have released [program-specific requirements](#) that outline the planning elements required of Perkins when it is included in a WIOA Combined State Plan (CSP). On the whole, these new planning elements mirror the existing state plan requirements laid out in current Perkins law.¹⁵

Most of these program-specific requirements for Perkins are simply updates to existing Perkins state plan language to reflect the passage of WIOA. For instance, instead of referencing the Workforce Investment Act’s “Workforce Investment Boards”, the requirements now reflect WIOA’s new preferred terminology – “Workforce Development Boards”.

14.) If Perkins is incorporated into a WIOA Combined State Plan, will CTE programs in the state be required to report on WIOA’s new common performance accountability measures?

No, Perkins’ inclusion in a WIOA Combined State Plan (CSP) does not require CTE programs to report on WIOA’s common performance accountability measures.

The requirement to report on certain WIOA common performance metrics is only triggered if an institution is:

- Designated by the state as a WIOA “Eligible Training Provider” (ETP);
- Formally included on the State’s ETP list; and

¹⁴ WIOA Sec. 103(b)(1)

¹⁵ Perkins Sec. 122

- Is providing services to individuals who are using WIOA funds to cover the costs of the education and/ or training being provided.

15.) Does Perkins' participation in a WIOA Combined State Plan constitute a state Perkins plan "revision" or "amendment" as defined by the U.S. Department of Education's (USDE) Office of Career, Technical, and Adult Education (OCTAE)?

In April 2014, the U.S. Department of Education (USDE) Office of Career, Technical, and Adult Education (OCTAE) [released a fourth round of non-regulatory guidance for frequently asked questions related to the implementation of the Perkins Act](#). This document contains new interpretations for what constitutes a Perkins plan "revision" and "amendment" – both of which require significantly different actions from the state Perkins eligible agency (please refer to question A.12 of the linked document above for further details).

To date, OCTAE has not provided formal guidance to states clarifying whether or not Perkins' inclusion constitutes a plan amendment, which would require states to undergo much of the initial planning activities such as public hearings that were necessary at the beginning of the law's authorization cycle—or a plan revision, which would require significantly less effort on the part of state Perkins agencies. NASDCTEc and ACTE therefore encourage states to inquire with OCTAE directly to resolve any concerns related to this interpretation.

Should you have additional questions or concerns related to the implementation of the Workforce Innovation and Opportunity Act and CTE, please contact Steve Voytek, NASDCTEc's Government Relations Manager (svoytek@careertech.org), or Alisha Hyslop, ACTE's Public Policy Director (ahyslop@acteonline.org).

About ACTE

The Association for Career and Technical Education (ACTE) is the nation's largest not-for-profit association committed to the advancement of education that prepares youth and adults for successful careers. ACTE represents the community of CTE professionals, including educators, administrators, researchers, guidance and career development professionals, and others at all levels of education. ACTE is committed to excellence in providing advocacy, public awareness and access to resources, professional development and leadership opportunities.

About NASDCTEc

The National Association of State Directors of Career Technical Education Consortium (NASDCTEc) was established in 1920 to represent the state and territory heads of secondary, postsecondary and adult Career Technical Education (CTE) across the nation. NASDCTEc, through leadership, advocacy and partnerships, aims to support an innovative CTE system that prepares individuals to succeed in education and their careers, and poises the United States to flourish in a global, dynamic economy.