



LEAD CENTER

POLICY BRIEF

Summary Description from a Disability Perspective: FINAL RULE Implementing Title I of the Workforce Innovation and Opportunity Act (Workforce Development Systems)

AUGUST 19, 2016

The purpose of this policy brief is to provide a summary description, from a disability perspective, of the Department of Labor and Department of Education Final Rules implementing Title I of the Workforce Innovation and Opportunity Act, WIOA (Workforce Development System). This policy brief does not include an analysis of the content of the Final Rules.

Two Final Rules pertaining to Title I of WIOA were published in the Federal Register on August 19, 2016.

- Joint Department of Labor and Department of Education Rule for Unified and Combined State Plans; Performance Accountability; and One-Stop System Joint Provisions [[TEXT](#) [PDF](#)]
- Department of Labor Rule Regarding the Provisions of Title I of WIOA, Including Statewide and Local Governance, Adult and Dislocated Worker Activities, Youth Activities Statewide Activities, and Administrative Provisions [TEXT](#) [PDF](#)

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SUMMARY DESCRIPTION, FROM A DISABILITY PERSPECTIVE, OF THE FINAL RULES IMPLEMENTING TITLE I OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WORKFORCE DEVELOPMENT ACTIVITIES)

INTRODUCTION AND OVERVIEW

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. WIOA supersedes the Workforce Investment Act of 1998 (WIA). 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. Title IV of WIOA includes amendments to the Rehabilitation Act of 1973, including Title I of the Rehabilitation Act, which authorizes funding for the State Vocational Rehabilitation (State VR) program.

On August 19, 2016, the Departments of Labor (DOL) and Education (ED) (or collectively, Departments) published in the Federal Register a Joint Final Rule to implement jointly administered activities authorized under Title I of WIOA (Joint WIOA Final Rule). Through this Joint WIOA Final Rule, the Departments implement workforce education and employment system reforms and strengthen the nation's public workforce development system to provide increased economic opportunity and make the United States more competitive in the 21st century evolving labor market. [81 FR 55792 February 19, 2016]

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**), thereby improving the quality of the workforce, reducing dependency on benefits, increasing economic opportunity, and enhancing the productivity and competitiveness of the nation. [81 FR 55792 February 19, 2016]

To achieve these goals, WIOA requires an integrated approach to the implementation, administration, service delivery, and evaluation of the services provided under the core programs at the Federal, State, and local levels. The core programs consist of:

- 1) The adult, dislocated worker, and youth formula programs administered by the Department of Labor (DOL) under title I of WIOA;
- 2) The Adult Education and Family Literacy Act (AEFLA) program administered by the Department of Education (ED) under title II of WIOA;
- 3) The Wagner-Peyser Act employment services program administered by DOL under title III of WIOA; and

- 4) The Vocational Rehabilitation program administered by ED under title IV of WIOA.

In addition to this Joint WIOA Final Rule, the Departments issued separate final rules to implement program specific requirements of WIOA that fall under each Department's purview. The DOL Final Rule governs program-specific requirements under Titles I and III of WIOA (DOL WIOA Final Rule). The ED issued several final rules, including two final rules implementing all program-specific requirements for programs authorized under the Rehabilitation Act of 1973, as amended by Title IV of WIOA. The ED Final Rule implementing Title I of the Rehabilitation Act (State VR program) is summarized in a separate policy brief issued by LEAD—*SUMMARY DESCRIPTION: FINAL RULE IMPLEMENTING TITLE I OF THE REHABILITATION ACT (STATE VOCATIONAL REHABILITATION PROGRAM), AS AMENDED BY TITLE IV OF WIOA.*

The Joint WIOA Final Rule and the DOL WIOA Final Rule reflect changes made as a result of public comments received to the [Joint Notice of Proposed Rulemaking](#) and the [DOL Notice of Proposed Rulemaking](#) that were published on April 16, 2015.

The purpose of this policy brief is to describe the key provisions included in the JOINT WIOA Final Rule and the DOL WIOA Final Rule implementing Title I of WIOA **from a disability perspective** i.e., those provisions in Title I of WIOA pertaining to workforce development activities of particular applicability to individuals with disabilities and individuals with a barrier to employment (which by definition includes individuals with disabilities). The summary description is not intended to be comprehensive. Key disability-related policies are ***bold and italicized***.

EFFECTIVE DATES

The Joint WIOA Final Rule and the DOL WIOA Final Rule are effective **October 18, 2016**. Also, as of **November 17, 2016**, each one-stop delivery system must include the “American Job Center” identifier or “a proud partner of the American Job Center network” on all primary electronic resources used by the one-stop delivery system, and only newly printed, purchased, or created materials.

As of July 1, 2017, each one-stop delivery system must include the “American Job Center identifier or “a proud partner of the American job center network” on all products, programs, activities, services, electronic resources, facilities, and related property and materials.

DEPARTMENTS OF LABOR AND EDUCATION JOINT FINAL RULE FOR UNIFIED AND COMBINED STATE PLANS UNDER TITLE I OF WIOA; PERFORMANCE ACCOUNTABILITY; AND ONE-STOP SYSTEM JOINT PROVISIONS

UNIFIED AND COMBINED STATE PLANS

PURPOSES OF THE UNIFIED AND COMBINED STATE PLAN [§676.100; §361.100]

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. 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.

GENERAL REQUIREMENTS FOR UNIFIED STATE PLAN [§676.105; §361.105]

The Governor of each State must submit, at a minimum, a Unified State Plan to the Secretary of Labor to be eligible to receive funding for the workforce development system's six core programs. The Unified State Plan must be submitted in accordance with joint planning guidelines issued by the Secretaries of Labor and Education. The Unified State Plan must include strategic and operational planning elements to facilitate the development of an aligned, coordinated, and comprehensive workforce development system. In addition, the Unified State Plan must outline the State's strategy for the core programs and include a description of how the State strategy will be implemented by each core program's lead agency. Further, the Unified State Plan must include the program-specific requirements for the core programs, including the State VR program.

PROGRAM SPECIFIC REQUIREMENTS IN THE UNIFIED STATE PLAN [§676.125; §361.125]

The program specific-requirements for the State VR program portion of the Unified or Combined State plan are set forth in Section 101(a) of the Rehabilitation Act, as amended by WIOA. All submission requirements for the State VR program portion of the Unified or Combined State Plan are in addition to the jointly developed strategic and operational content requirements.

SUBMISSION AND APPROVAL PROCESS OF THE UNIFIED STATE PLAN [§676.130; §361.130]

The Unified State Plan must be submitted by the State to the Secretary of Labor. Upon receipt of the Unified State plan from the State, the Secretary of Labor will ensure that the entire Unified State Plan is submitted to the Secretary of Education in accordance with a process developed by the Secretaries. The Unified State Plan is subject to the approval of both the Secretary of Labor and the Secretary of Education. Before the Secretaries of Labor and Education approve the Unified State Plan, the State VR

program portion of the Unified State plan must be approved by the Commissioner of the Rehabilitation Services Administration (RSA).

OPPORTUNITY FOR PUBLIC COMMENT [§676.130(d); §361.130(d)]

The State must provide an opportunity for public comments on and input into the development of the Unified State Plan prior to submission. The opportunity for public comments must include an opportunity to comment by, among others, the general public, including *individuals with disabilities*.

GENERAL REQUIREMENTS FOR SUBMITTING COMBINED STATE PLAN [§676.140; §361.140]

States have the option to submit a Combined State Plan that goes beyond the core programs of a Unified State Plan to include at least one optional, additional Federal workforce, educational, or social service program from the programs identified in Section 103(a)(2) of WIOA. Generally, the requirements for a Combined State Plan include the requirements for the Unified State Plan as well as the program-specific requirements for any optional programs that are included in the Combined State Plan.

PERFORMANCE ACCOUNTABILITY

INTRODUCTION

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 Department of Labor codifies the performance accountability indicators in 29 CFR part 686. The Department of Education codifies identical provisions at 34 CFR part 361, subpart E (under its State Vocational Rehabilitation Services Program regulations) and at 34 CFR part 463, subpart I (under a new CFR part for AEFLA regulations).

DEFINITIONS APPLICABLE TO PERFORMANCE MEASUREMENT AND REPORTING [§677.150; §361.150]

Participant. A reportable individual who has received staff-assisted services after satisfying all applicable programmatic requirements for the provision of services, such as eligibility determination. For the **State VR** program, a “participant” is an individual who has an approved and signed Individualized Plan for Employment (IPE) and has begun to receive services.

Reportable individual. An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program.

Exit. As defined for the purpose of performance calculations, exit is the point after which an individual who has received services through any program meets the following criteria...: For the **State VR** program: The participant’s record of service is closed in accordance with 34 CFR 361.56 because the participant has achieved an employment

outcome; or the participant's service record is closed because the individual has not achieved an employment outcome or the individual has been determined ineligible after receiving services in accordance with 34 CFR 361.43.

PRIMARY STATE INDICATORS OF PERFORMANCE [§677.155; §361.155]

All States submitting either a Unified or Combined State Plan under §§676.130 and 676.143 must propose expected levels of performance for each of the primary indicators of performance for the adult, dislocated worker, and youth programs under title I of WIOA, the AEFLA program under title II of WIOA, the Wagner-Peyser Act as amended by title III of WIOA, and the **State VR program**, as authorized under Title I of the Rehabilitation Act, as amended by WIOA, title IV program.

The six primary indicators for performance for the adult and dislocated workers programs and the **VR program** are:

- 1) The percentage of participants, who are in unsubsidized employment during the second quarter after exit from the program.
- 2) The percentage of participants, who are in unsubsidized employment during the fourth quarter after exit from the program.
- 3) Median earnings of participants, who are in unsubsidized employment during the second quarter after exit from the program.
- 4) The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program. A participant who has obtained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized post-secondary credential within 1 year after exit from the program.
- 5) The percentage of participants who, during a program year, are in an education or training program that leads to a recognized post-secondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.
- 6) Effectiveness in serving employers.

For the youth program under title I of WIOA, the indicators are:

- 1) Percentage of participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program.

- 2) Percentage of participants in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program.
- 3) Median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.
- 4) The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training and customized training) who obtained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within 1 year after exit from the program, except that a participant who has obtained a secondary school diploma or its recognized equivalent is included as having attained a secondary school diploma or recognized equivalent only if the participant is also employed or is enrolled in an education or training program leading to a recognized post-secondary credential within 1 year from program exit.
- 5) The percentage of participants who, during a program year, are in an education or training program that leads to a recognized post-secondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress, towards such a credential or employment.
- 6) Effectiveness in serving employers.

INFORMATION FOR STATE PERFORMANCE REPORTS [§677.160; §361.160]

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, among other things:

- 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 3 preceding program years for, as applicable to the program.

STATE DISCRETION TO INCLUDE ADDITIONAL INDICATORS OF PERFORMANCE [§677.165; §361.165]

States may identify additional indicators of performance for the six core programs.

STATE ADJUSTED LEVELS OF PERFORMANCE [§677.170; §361.170]

An objective statistical adjustment model will be developed and disseminated by the Secretaries. The model will be based on, among other things, *disability* status.

SANCTIONS FOR STATE PERFORMANCE AND THE PROVISION OF TECHNICAL ASSISTANCE [§677.180; §361.185; and §361.190]

A State will be subject to financial sanction if it fails to submit the State annual performance report or meet adjusted level of performance for the primary indicators of performance.

LOCAL PERFORMANCE ACCOUNTABILITY [§677.205]

Each local area in a State under title I of WIOA is subject to the same primary indicators of performance for the core programs that apply to the State.

INCENTIVES AND SANCTIONS FOR LOCAL PERFORMANCE [§677.215; §677.220]

The Governor is allowed, but not required to, award local incentive funds to local areas for performance on the primary indicators of performance. The Governor is allowed, but not required, to use non-federal funds to create incentives for Local Boards to implement pay-for-performance contract strategies for the delivery of training services in the local areas served by the Local Boards.

§677.220(a) explains the circumstances under which local areas must receive technical assistance for failure to meet levels of performance. In accordance with WIOA, the rule requires that local areas must receive technical assistance and may be subject to a performance improvement plan for failure to achieve adjusted levels of performance established with the State for primary performance indicators in the adult, dislocated worker, or youth programs authorized under title I of WIOA in any PY.

The Governor, or his/her designee, or upon request of the Governor, the Secretary of Labor, must provide technical assistance, which may include assistance in the development of a performance improvement plan or a modified local or regional plan, to the local area in the first year of failure to meet levels on the required performance indicators. In requesting assistance from the Secretary of Labor, the Governor's request should include the factors that impede the provision of successful technical assistance at the State level, because the State is generally in the best position to address failure to meet the performance levels it negotiated with the local area.

The Departments further clarify that a State must establish the threshold for failure for a local area to meet levels of performance prior to negotiating local area adjusted levels of performance. A local area cannot accurately negotiate adjusted levels of performance without having an understanding of what the State will consider failure.

§677.220(b) outlines the required corrective actions for local areas that continue to fail to meet performance indicators for 3 consecutive years. A local area that failed to meet

adjusted levels of performance on required performance indicators for a third consecutive year is subject to reorganization, which would include the certification of a new Board, the exclusion of underperforming service providers or partners, and other actions the Governor deems appropriate.

ELIGIBLE TRAINING PROVIDERS PERFORMANCE [§677.230; §361.230]

States are required to make available, and publish annually using a template the Departments will disseminate including through electronic means, the eligible training provider performance reports for eligible training providers who provide services described in §§680.400 through 680.530. These reports at a minimum must, among other things, the average cost-per-participant for participants who received training services for the most recent program year and the 3 preceding program years disaggregated by type of training entity.

REPORTING REQUIREMENTS FOR INDIVIDUAL RECORDS FOR CORE PROGRAMS [§678.235; §361.235]

On a quarterly basis, each State must submit to the Secretary of Labor or the Secretary of Education, as appropriate, individual records that include demographic information, information on services received, and information on resulting outcomes, as appropriate for each reportable individual in, among other programs, the ***State VR program***.

ONE-STOP SYSTEM JOINT PROVISIONS

DESCRIPTION OF ONE-STOP DELIVERY SYSTEM [§678.300; §361.300]

The one-stop delivery system brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network that enhances access to the programs' services and improves long-term employment outcomes for individuals receiving assistance. One-stop partners administer separately funded programs as a set of integrated streamlined services to customers.

Required one-stop partner programs must provide access to programs, services, and activities through electronic means, if applicable and practicable. This is in addition to providing access to services through the mandatory comprehensive physical one-stop center and any affiliated sites or specialized centers. The provision of programs and services by electronic methods such as websites, telephones, or other means must improve the efficiency, coordination, and quality of one-stop partner services. Electronic delivery must not replace access to such services at a comprehensive one-stop center or be a substitute to making services available at an affiliated site if the partner is participating in an affiliated site. ***Electronic delivery systems must be in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of and its implementing regulations at 29 CFR part 38 (nondiscrimination/equal opportunity).***

DESCRIPTION OF COMPREHENSIVE ONE-STOP CENTER [§678.305; §361.305]

A comprehensive one-stop center is a physical location where jobseekers and employer customers can access the programs, services, and activities of all required one-stop partners. A comprehensive one-stop center must have at least one Title I of WIOA staff person physically present.

The comprehensive one-stop center must provide:

- 1) Career services, described in §678.430;
- 2) Access to training services described in §680.200;
- 3) Access to any employment and training activities carried out under Section 134(d) of WIOA; and
- 4) Access to programs and activities carried out by one-stop partners listed in §§678.400 through 678.410, including Wagner-Peyser employment services.

“**Access**” to programs and services means having a program staff member physically present at the one-stop center; having a staff member from a different partner program physically present at the one-stop center appropriately trained to provide information to customers about the programs, services, and activities available through partner programs; or making available a direct linkage through technology to program staff who can provide meaningful information or services.

All comprehensive one-stop centers must be ***physically and programmatically accessible to individuals with disabilities***, as described in 29 CFR part 38, the implementing regulations of Section 188 of WIOA (nondiscrimination/equal opportunity).

AFFILIATED SITES [§678.310; §361.310]

All affiliated sites must be ***physically and programmatically accessible to individuals with disabilities***, as described in 29 CFR part 38, the implementing regulations of Section 188 of WIOA (nondiscrimination/equal opportunity).

REQUIRED ONE-STOP PARTNERS [§678.400; §361.400]

Section 121(b)(1)(B) of WIOA identifies the entities that are required partners in the local one-stop systems.

The required partners are the entities responsible for administering the following programs and activities in the local area, including:

The State VR program authorized under Title I of the Rehabilitation Act of 1973, as amended by Title IV of WIOA.

OTHER ENTITIES THAT MAY SERVE AS ONE-STOP PARTNERS [§678.410; §361.410]

Additional partners may include:

Employment and training programs administered by the Social Security Administration, including the ***Ticket to Work and Self-Sufficiency Program*** established under Section 1148 of the Social Security Act (42 U.S.C. 1320b-19); and

Client Assistance Program authorized under Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732).

In addition to optional partners listed in the proposed regulation, Local Boards may partner with other appropriate Federal, State, or local programs.

ENTITIES SERVING AS ONE-STOP PARTNERS [§678.415; §463.300]

The entity that carries out the program and activities listed in §678.400 or §678.405, and therefore serves as the one-stop partner, is the grant recipient, administrative entity, or organization responsible for administering the funds of the specified program in the local area.

For the ***State VR program***, the entity that carries out the program for the purposes of paragraph of this section is the designated State agencies or designated State units specified under Section 101(a)(2) of the Rehabilitation Act, as amended by Title IV of WIOA, that is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of individuals with disabilities.

ROLES AND RESPONSIBILITIES OF REQUIRED ONE-STOP PARTNERS [§678.420; §463.420]

Each ***required partner*** must, among other things:

Provide access to its programs or activities through the one-stop delivery system, in addition to other appropriate locations.

Provide representation on the State and Local Workforce Development Boards, ***as required*** and participate in Board committees as needed (WIOA secs.101 (b)(iii) and 107(b)(2)(C) and (D)).

DESCRIPTION OF CAREER SERVICES [§678.430; §463.430]

“Career services” replaces “core and intensive services” specified in WIA and includes a number of additional activities.

Career services, as identified in Section 134(c)(2) of WIOA, consist of three types: ***Basic career services*** must be made available and, at a minimum, include the following services, as consistent with allowable program activities and Federal cost principles:

- 1) Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- 2) Outreach, intake (including worker profiling), and orientation to information and

other services available through the one-stop delivery system;

- 3) Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive services needs;
- 4) Labor exchange services, including job search and placement assistance, and, when needed by an individual, career counseling, including provision of information on in-demand industry sectors and occupations (as defined in Section 3(23) of WIOA); and provision of information on nontraditional employment; and appropriate recruitment and other business services on behalf of employers, including information and referrals to specialized business services other than those traditionally offered through the one-stop delivery system;
- 5) Provision of referrals to and coordination of activities with other programs and services, including programs and services within the one-stop delivery system and, when appropriate, other workforce development programs;
- 6) Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including job vacancy listings in labor market areas; information on job skills necessary to obtain the vacant jobs listed; and information relating to local occupations in demand, and the earnings, skill requirements, and opportunities for advancement for those jobs;
- 7) Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
- 8) Provision of information, in usable and understandable formats and languages, about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
- 9) Provision of information, in usable and understandable formats and languages, relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under SNAP; assistance through the earned income tax credit; and assistance under a State program for Temporary Assistance for Needy Families, and other supportive services and transportation provided through that program;
- 10) Provision of information and assistance regarding filing claims for unemployment compensation, by which the one-stop must provide meaningful assistance to individuals seeking assistance in filing a claim for unemployment compensation. "Meaningful assistance" means: (A) Providing assistance on-site using staff who

are well-trained in unemployment compensation claims filing and the rights and responsibilities of claimants; or (B) Providing assistance by phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time; and

- 11) Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA.

Individualized career services must be made available if determined to be appropriate in order for an individual to obtain or retain employment. These services include the following services, as consistent with program requirements and Federal cost principles:

- 1) Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools; and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- 2) Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, the eligible training providers (as described in §680.180 of this chapter);
- 3) Group counseling;
- 4) Individual counseling;
- 5) Career planning;
- 6) Short-term pre-vocational services including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training;
- 7) Internships and work experiences that are linked to careers (as described in §680.170 of this chapter);
- 8) Workforce preparation activities;
- 9) **Financial literacy** services (as described in Section 129(b)(2)(D) of WIOA and §681.500);
- 10) Out-of-area job search assistance and relocation assistance; and
- 11) English language acquisition and integrated education and training programs.

Follow-up services must be provided, as appropriate, including: counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment.

MEMORANDUM OF UNDERSTANDING FOR ONE-STOP DELIVERY SYSTEM [§678.500; §463.500]

The MOU is the product of local discussion and negotiation, and is an agreement developed and executed between the Local Board, with the agreement of the chief elected official, and the one-stop partners, relating to the operation of the one-stop delivery system in the local area. Two or more local areas in a region may develop a single joint MOU, if they are in a region that has submitted a regional plan under Section 106 of WIOA.

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.

WHO MAY OPERATE ONE-STOP CENTERS [§678.600; § 463.600]

One-stop operators may be a single entity (public, private, or nonprofit) or a consortium of entities.

ONE-STOP INFRASTRUCTURE COSTS [§678.700; § 463.700]

Infrastructure costs of one-stop centers are non-personnel costs that are necessary for the general operation of the one-stop center, including:

Equipment (including assessment-related products and **assistive technology for individuals with disabilities**); and

Technology to facilitate access to the one-stop center, including technology used for the center's planning and outreach activities.

PARTNER CONTRIBUTIONS TO INFRASTRUCTURE COSTS [§678.735-.738; §463.735-.738]

The Local Workforce Investment Board must attempt to reach agreement with core partners regarding the funding of infrastructure costs, including each partner's, proportionate share, the proposed amounts or budgets to fund infrastructure. The Governor must direct the one-stop partners in each local area that have not reached agreement under the local funding mechanism to pay what the Governor determines is each partner program's proportionate share of infrastructure funds for that area subject to the application of applicable program caps.

State VR Program. Within a State, for the entity or entities administering the State VR programs), the allotment is based on the one State Federal fiscal year allotment, even in instances where that allotment is shared between two State agencies, and will not be required to provide from that program a cumulative portion of funds required to be

contributed must not exceed—

- 1) 0.75 percent of the amount of federal funds provided to carry out such program in the State for Fiscal Year 2016;
- 2) 1.0 percent of the amount provided to carry out such program in the State for Fiscal Year 2017;
- 3) 1.25 percent of the amount provided to carry out such program in the State for Fiscal Year 2018; and
- 4) 1.5 percent of the amount provided to carry out such program in the State for Fiscal Year 2019 and following years for purposes of applicability of the State funding mechanisms for PY 2020 and subsequent years.

ONE-STOP CERTIFICATION [§678.800; §463.800]

The State Board, in consultation with chief elected officials and Local Boards, must establish objective criteria and procedures for Local Boards to use when certifying one-stop centers.

The criteria must evaluate the one-stop centers and one-stop delivery system for effectiveness, including customer satisfaction, ***physical and programmatic accessibility***, and continuous improvement.

Evaluations of effectiveness must include how well the one-stop center ***ensures equal opportunity for individuals with disabilities to participate in or benefit from one-stop center services***. These evaluations must include criteria evaluating how well the centers and delivery ***systems take actions to comply with the disability-related regulations*** implementing Section 188 of WIOA, set forth at 29 CFR part 38 (nondiscrimination/equal opportunity). Such actions include, but are not limited to:

- 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.***
- 6) ***Providing for the physical accessibility of the one-stop center to***

individuals with disabilities.

Local Boards must assess at least once every 3 years the effectiveness, ***physical and programmatic accessibility***, and continuous improvement of one-stop centers and the one-stop delivery systems using the criteria and procedures developed by the State Board.

The Local Board may establish additional criteria, or set higher standards for service coordination, than those set by the State criteria. Local Boards must review and update the criteria every 2 years as part of the Local Plan update process described in

§676.580 of this chapter. Local Boards must certify one-stop centers in order to be eligible to receive infrastructure funds in the State infrastructure funding mechanism described in §678.730. ***All one-stop centers must comply with applicable physical accessibility requirements, as set forth in 29 CFR part 37.***

All one-stop centers must comply with applicable physical and programmatic accessibility requirements, as set forth in 29 CFR part 38, the implementing regulations of Section 188 of WIOA (nondiscrimination/equal opportunity).

The Preamble to the Final Joint WIOA Rule points out that “DOL has issued best practices in how recipients can comply with accessibility laws in a guide shared in [Training and Employment Notice No. 01-15](#), “[Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#).” [81 FR 55918 (August 19, 2016)]

COMMON IDENTIFIER [§678.900; §463.900]

As of November 17, 2016, each one-stop delivery system must include the “American Job Center” identifier or “a proud partner of the American Job Center network” on all primary electronic resources used by the one-stop delivery system, and only newly printed, purchased, or created materials.

As of July 1, 2017, each one-stop delivery system must include the “American Job Center identifier or “a proud partner of the American job center network” on all products, programs, activities, services, electronic resources, facilities, and related property and materials.

DEPARTMENT OF LABOR RULE REGARDING THE PROVISIONS OF TITLE I OF WIOA, INCLUDING STATEWIDE AND LOCAL GOVERNANCE, ADULT AND DISLOCATED WORKER ACTIVITIES, YOUTH ACTIVITIES, STATEWIDE ACTIVITIES, AND ADMINISTRATIVE PROVISIONS

STATEWIDE AND LOCAL GOVERNANCE

PURPOSES OF TITLE I [§675.100]

The purposes of Title I of the Workforce Innovation and Opportunity Act (WIOA) include:

Increasing access to, and opportunities for individuals to receive, the employment, education, training, and support services necessary to succeed in the labor market, with a **particular focus on those individuals with disabilities** or other barriers to employment including out-of-school youth with the goal of improving their outcomes;

Streamlining service delivery across multiple programs by requiring colocation, coordination, and integration of activities and information to make the system understandable and **accessible for individuals, including people with disabilities** and those with other barriers to employment, and businesses.

DEFINITIONS [§675.300]

Individual with a disability means an individual with any disability (as defined in Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)). For purposes of Section 188 of WIOA (nondiscrimination/equal opportunity), this term is defined at 29 CFR 38.4.

STATE WORKFORCE DEVELOPMENT BOARD MEMBERSHIP

The State Workforce Development Board must include members appointed by the Governor, which must include a majority of representatives of businesses or organizations in the State; not less than 20 percent who are representatives of the workforce within the State, which may include community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or educational needs of individuals with barriers to employment, **including organizations that provide or support competitive, integrated employment for individuals with disabilities**. [§679.110(b)(3)(ii)(C)]; and the balance of the members must include representatives of the Government, including the **lead State officials with primary responsibility for each of the core programs, including the State VR program**. [§679.110(b)(3)(iii)(A)(1)(iii)] Where the lead official represents more than one core program, that official must ensure adequate representation of the needs of all core programs under his or her jurisdiction.

FUNCTIONS OF THE STATE WORKFORCE DEVELOPMENT BOARD [§679.130(c) and (e)]

The functions of the State Workforce Development Board include development and continuous improvement of the workforce development system including:

- 1) Identification of barriers and means for removing barriers to better coordinate, align, and avoid duplication among programs and activities; and
- 2) Development of strategies to support career pathways for the purpose of providing individuals, including low-skilled adults, youth, and individuals with barriers to employment, including **individuals with disabilities**, with workforce investment activities, education, and supportive services to enter or retain employment.

The functions of the State Workforce Development Board also include identification and dissemination of information on **best practices**, including best practices for the effective operation of one-stop centers, relating to the use of business outreach, partnerships, and service delivery strategies, including **strategies for serving individuals with barriers to employment**,

Further, the functions of the State Workforce Development Board include the development of strategies for technological improvements to facilitate access to, and improve the quality of, services and activities provided through the one-stop delivery system, including such **improvements to ensure technology is accessible to individuals with disabilities**;

MEMBERSHIP OF LOCAL WORKFORCE DEVELOPMENT BOARDS [§679.320]

The members of the Local Board must be selected by the chief elected official in the local area, consistent with WIOA criteria and criteria established by the Governor. The Local Board must include at least one representative from each of the following governmental and economic and community development entities...The **programs carried out under Title I of the Rehabilitation Act of 1973**, other than Section 112 or part C of that title. [§679.320(d)(3)(iii)]

The Local Board may include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, **including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities**. [§679.320(c)(3)]

ESTABLISHMENT OF STANDING COMMITTEES BY LOCAL BOARD [§679.360]

Standing committees **may** be established by the Local Board to provide information and assist the Local Board in carrying out its responsibilities under Section 107 of WIOA. Standing Committees **may** include:

A standing committee to provide information and to assist with operational and other issues relating to the **provision of services to individuals with disabilities**, **including**

issues relating to compliance with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding providing programmatic and physical access to the services, programs, and activities of the one-stop delivery system, as well as appropriate training for staff on providing supports for or accommodations to, and finding employment opportunities for, individuals with disabilities.

[§679.360(a)(3)]

FUNCTIONS OF THE LOCAL BOARD [§679.370]

As provided in Section 107(d) of WIOA, the Local Board must, among other things:

- 1) Develop and submit a 4-year local plan for the local area, in partnership with the chief elected official.
- 2) With representatives of secondary and post-secondary education programs, lead efforts to develop and implement career pathways within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly **individuals with barriers to employment**;
- 3) Develop strategies for using technology to maximize the accessibility and effectiveness of the local workforce development system for employers, and workers and jobseekers, by:
 - (a) Facilitating connections among the intake and case management information systems of the one-stop partner programs to support a comprehensive workforce development system in the local area;
 - (b) Facilitating **access** to services provided through the one-stop delivery system involved, including access in remote areas;
 - (c) **Identifying strategies for better meeting the needs of individuals with barriers to employment**, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills; and
 - (d) **Leveraging resources and capacity within the local workforce development system, including resources and capacity for services for individuals with barriers to employment**;
- 4) **Coordinate** activities with education and training providers in the local area, including replicating and implementing cooperative agreements to enhance the provision of services to **individuals with disabilities** and other individuals, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination; and

- 5) ***Assess, on an annual basis, the physical and programmatic accessibility of all one-stop centers in the local area, in accordance with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).***

CAREER PATHWAYS [§679.370]

With regards to ***career pathways***, WIOA section 3(7)(A) through (G) defines career pathways as a combination of rigorous and high quality education, training, and other services that meet specified guidelines. WIOA section 101(d)(3)(B) outlines strategies to support career pathways to provide individuals (***including individuals with disabilities***) with workforce investment activities and education. 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. States also have the option to address career pathways strategies for TANF recipients.

The Department of Labor declined to further regulate career pathways requirements for states to allow maximum flexibility, but repeatedly stated that there is a need for additional guidance. The Departments are working with other federal agencies to provide this additional guidance on implementation, and will continue to provide comprehensive technical assistance on career pathways.

SATISFACTION OF THE CONSUMER CHOICE REQUIREMENT BY THE LOCAL BOARD [§679.380]

In working with the State, the Local Board satisfies the consumer choice requirement for training services by working with the State to ensure that there are sufficient numbers and types of providers of training services, including eligible training providers with expertise in assisting ***individuals with disabilities*** serving the local area and providing adequate access to services for ***individuals with disabilities***.

Working with the State, the Local Board satisfies the consumer choice requirement for career services by, among other things, identifying a wide array of potential career service providers and awarding contracts where appropriate including to providers to ensure ***sufficient access to services for individuals with disabilities, including opportunities that lead to integrated, competitive employment for people with disabilities***.

DEVELOPMENT AND CONTENTS OF LOCAL PLAN [§679.550; §679.560]

Under Section 108 of WIOA, each Local Board must, in partnership with the appropriate chief elected officials, develop and submit a comprehensive 4-year plan to the Governor. [§679.550]

The local workforce investment plan [§679.560] must describe strategic planning elements, including...:

An analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels

of the workforce, ***including individuals with barriers to employment***,

An analysis of workforce development activities, including education and training, in the region. This analysis must include the strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, ***including individuals with barriers to employment***, and the employment needs of employers; and

A description of the Local Board's strategic vision to support regional economic growth and economic self-sufficiency. This must include goals for preparing an educated and skilled workforce (***including youth and individuals with barriers to employment***), and goals relating to the performance accountability measures based on performance indicators described in 20 CFR 677.155(a)(1).

The plan must include a description of the following requirements at Sections 108(b)(2)-(21) of WIOA:

The one-stop delivery system in the local area, including, among other things, how entities within the one-stop delivery system, including one-stop operators and the one-stop partners, will ***comply with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.***

Copies of executed cooperative agreements which define how all local service providers will carry out the requirements for integration of and access to the entire set of services available in the local one-stop delivery system. This includes cooperative agreements between the Local Board or other local entities and the local office of the designated State agency or designated State unit administering ***State VR programs*** carried out under title I of the Rehabilitation Act with respect to effects to enhance the provision of services to ***individuals with disabilities***, such as cross training of staff, technical assistance, use and sharing of information, cooperative efforts with employers, and other efforts at cooperation, collaboration, and coordination.

ADULT AND DISLOCATED WORKER ACTIVITIES

REQUIRED AND PERMITTED ADULT SERVICES PROVIDED BY LOCAL BOARDS [§680.140]

Title I of WIOA formula funds allocated to local areas for adults and dislocated workers must be used to provide career and training services through the one-stop delivery system. Title I of WIOA funds ***may*** also be used to provide the additional services described in Section 134(d) of WIOA, including...:

Job seeker services including customer support to enable individuals with barriers to employment (***including individuals with disabilities***) and veterans, to ***navigate among multiple services and activities.***

Coordination activities including improving ***coordination between employment and training activities and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, activities carried out by Statewide Independent Living Councils established under Section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d), programs funded under part B of chapter 1 of title VII of such Act (29 U.S.C. 796e et seq.), and activities carried out by centers for independent living, as defined in Section 702 of such Act (29 U.S.C. 796a).*** [Section 134(d)(1)(A)(xi) of WIOA]

Technical assistance for one-stop operators, partners, and eligible training providers on the provision of service to individuals with disabilities in local areas, including staff training and development, provision of outreach and intake assessments, service delivery, service coordination across providers and programs, and development of performance accountability measures. [Section 134(d)(1)(A)(v) of WIOA]

INDIVIDUAL EMPLOYMENT PLAN [§680.170]

The individual employment plan is an individualized career service that is developed jointly by the participant and career planner when determined appropriate by the one-stop center or one-stop partner. The plan is an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to achieve the employment goals.

ADULT TRAINING SERVICES [§680.200]

Training services are listed in Section 134(c)(3)(D) of WIOA. The list in the Act is not all-inclusive and additional services may be provided. Training services may include:

- 1) Occupational skills training, including training for nontraditional employment;
- 2) On-the-job training;
- 3) Incumbent worker training;
- 4) programs that combine workplace training with related instruction, which may include cooperative education programs;
- 5) training programs operated by the private sector;
- 6) skill upgrading and retraining;
- 7) entrepreneurial training;
- 8) transitional jobs;
- 9) job readiness training provided in combination with services described above;
- 10) adult education and literacy activities, including activities of English

language acquisition and integrated education and training programs, provided concurrently or in combination with services described above; and

- 11) customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

RELATIONSHIP BETWEEN CAREER AND TRAINING SERVICES [§680.220]

There is no requirement that career services be provided as a condition to receipt of training services; however, if career services are not provided before training, the Local Board must document the circumstances that justifies its determination to provide training services without first providing specified career services. There is no Federally required minimum time period for participation in career services before receiving training services.

INDIVIDUAL TRAINING ACCOUNTS; LIMITS [§680.310]

The State or Local Board may impose limits on Individual Training Accounts (ITAs), such as limitations on the dollar amount and/or duration. Limitations established by State or Local Board policies must be described in the State or Local Plan, respectively, but must not be implemented in a manner that undermines the Act's requirement that training services are provided in a manner that maximizes customer choice in the selection of an eligible training provider. ITA limitations *may* provide for **exceptions** to the limitations in individual cases.

USE OF MECHANISMS OTHER THAN INDIVIDUAL TRAINING ACCOUNTS [§680.320]

Contracts for services may be used instead of ITAs only when one or more of five exceptions apply, including when the Local Board determines that there is a training services program of demonstrated effectiveness offered in the area by a community-based organization (CBO) or another private organization **to serve individuals with barriers to employment**, as described in paragraph (b) of this section. The Local Board must develop criteria to be used in determining demonstrated effectiveness, particularly as it applies to the **individuals with barriers to employment** to be served.

REQUIREMENTS FOR CONSUMER CHOICE [§680.340]

Each Local Board, through the one-stop center, may coordinate funding for ITAs with funding from other Federal, State, local, or private job training programs or sources to assist the individual in obtaining training services.

ELIGIBLE TRAINING PROVIDERS [§680.400]

The State must establish a list of eligible training providers. The State list of eligible training providers and programs must be made publically available online through Web sites and searchable databases as well as any other means the State uses to

disseminate information to consumers, ***including formats accessible to individuals with disabilities.***

MANAGING THE TRAINING PROVIDER ELIGIBILITY PROCESS [§680.430]

The Local Board must, among other things, work with the State to ensure there are sufficient numbers and types of providers of training services, including eligible providers with expertise in assisting ***individuals with disabilities*** serving the area and ensure the dissemination and appropriate use of the State list of eligible training providers and programs through the local one-stop delivery system, ***including formats accessible to individuals with disabilities.***

DISSEMINATION OF LIST OF ELIGIBLE PROVIDERS [§680.500]

In accordance with Section 188 of WIOA (nondiscrimination/equal opportunity) the State list must be ***accessible to individuals with disabilities.***

LOW-INCOME ELIGIBILITY CRITERIA [§680.640]

Even if the family of an ***individual with a disability*** does not meet the income eligibility criteria, the individual with a disability is to be considered a low-income individual if the individual's own income: (a) Meets the income criteria established in Section 3(36)(A)(vi) of WIOA; or (b) Meets the income eligibility criteria for payments under any Federal, State or local public assistance program. [**See** Section 3(36)(A)(i) of WIOA]

RAISING THE ON-THE-JOB TRAINING REIMBURSEMENT RATE UP TO 75% OF THE WAGE RATE [§680.730]

The Governor may increase the reimbursement rate for on-the-job training (OJT) contracts funded through the statewide employment and training activities described in §682.210 up to 75 percent, and the Local Board may also increase the reimbursement rate for OJT contracts described in §680.320(a)(1) up to 75 percent, when taking into account the following factors, among others [Section 134(c)(H)(ii) of WIOA]: The characteristics of the participants taking into consideration whether they are “***individuals with barriers to employment,***” as defined in Section 3(24) of WIOA.

SUPPORTIVE SERVICES [§680.900]

Local Boards, in consultation with one-stop partners and other community service providers, must develop a policy on supportive services that ensures resource and service coordination in the local area. Supportive services may include, but are not limited to, linkages to community services; assistance with transportation, child care, dependent care, housing, educational testing, ***reasonable accommodations for individuals with disabilities;*** legal aid services, referrals for health care, and other services.

YOUTH ACTIVITIES

ELIGIBILITY FOR YOUTH SERVICES [§681.200]

Both in-school youth and out-of-school youth are eligible for youth services.

OUT-OF-SCHOOL YOUTH [§681.210]

Out-of-school youth include *individuals with a disability*.

IN-SCHOOL YOUTH [§681.220]

In-school youth include an individual who is attending school, including secondary and postsecondary school, not younger than 14 or (***unless an individual with a disability is attending school under State law***) older than age 21 at time of enrollment.

YOUTH WITH DISABILITIES AND FAMILY INCOME [§681.280]

For an ***individual with a disability***, income level for eligibility purposes is based on the individual's own income rather than his or her family's income. Section 3(36)(A)(vi) of WIOA states that an individual with a disability whose own income meets the low-income definition in clause (ii) (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. ***Furthermore, 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.***

BASIC SKILLS DEFICIENT [§681.290]

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for ***people with disabilities***.

DESIGN OF YOUTH PROGRAMS BY LOCAL BOARDS [§681.420]

Local Boards must ensure appropriate links to entities that will foster the participation of eligible local area youth. Such links may include connections to: Local ***disability-serving agencies*** and providers and health and mental health providers.

Additionally, WIOA calls for the ***creation of career pathways*** for all youth participating in Title I programs, ***which individuals with disabilities are eligible for***. WIOA also asks the youth participants to be highly involved in the design and implementation of their career pathways services in order to best meet their needs.

MANDATORY YOUTH SERVICES [§681.460]

Local programs must make 14 specific services available to youth participants (Section 129(c)(2) of WIOA) of including, among other things, ***Financial literacy education***.

FINANCIAL LITERACY DEFINED [§681.500]

The ***financial literacy*** education program element includes activities which:

- 1) Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
- 2) Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- 3) Teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
- 4) Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions; and
- 5) Educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data;
- 6) Support activities that address the particular financial literacy needs of ***youth with disabilities, including connecting them to benefits planning and work incentives counseling***.
- 7) Support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
- 8) Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings; and
- 9) Implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

SUPPORT SERVICES FOR YOUTH [§681.570]

Supportive services for youth, as defined in Section 3(59) of WIOA, are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following: ***reasonable accommodations for youth with disabilities***.

STATEWIDE ACTIVITIES AND ADMINISTRATIVE PROVISIONS

REQUIRED STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES [§682.200]

Disseminating by various means, as provided by Section 134(a)(2)(B) of WIOA, information of ***physical and programmatic accessibility for individuals with disabilities***. [Section 134(a)(2)(b)(v)(VI) of WIOA]

ALLOWABLE STATEWIDE EMPLOYMENT AND TRAINING ACTIVITIES [§682.210]

Allowable statewide employment and training activities include, among other things:

- 1) Developing strategies for serving individuals with barriers to employment, and for coordinating programs and services among one-stop partners (Section 134(a)(3)(A)(ii) of WIOA;
- 2) Supporting ***financial literacy*** activities as described in § 681.500 and Section 29(b)(2)(D) of WIOA; and
- 3) Activities that include activities to improve coordination of workforce investment activities, with economic development activities (Section 134(a)(3)(A)(viii)(I) of WIOA); and activities to improve coordination of employment and training activities with child support services and activities, cooperative extension programs carried out by the Department of Agriculture, programs carried out by local areas for ***individuals with disabilities (including the programs identified in Section 134(a)(3)(A)(viii)(II)(cc) of WIOA***).

OBLIGATION TO ENSURE NONDISCRIMINATION [§683.285]

As described in Section 188 of WIOA, financial assistance provided under title I of WIOA may be used to meet a recipient's obligation to provide ***physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIOA program, as required by Section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, as amended, Section 188 of WIOA, and the regulations implementing these statutory provisions***.