

ENGLISH
LEARNERS
and

WIOA

What Educators Need to Know

A TESOL Resource Kit

Table of Contents

Broad Overview of WIOA	1
What Is WIOA.	1
Why WIOA Matters for TESOL	1
History and WIA Origins	1
<i>Timeline of Federal Employment Acts</i>	2
<i>Evolution of Workforce Development Laws</i>	2
<i>History of Federally Supported Adult Education</i>	2
<i>How the AEFLA Came to Be</i>	3
<i>Timeline of Federal Adult Education Acts</i>	3
Title I: Workforce Development Activities	4
Overview	4
Authorized Funding Levels	4
State Workforce Development Boards	5
Unified State Plans	7
Performance Measures	7
Title II: Adult Education and Literacy	9
Background and Overview	9
Purpose	9
Authorized Funding Levels	10
State Grants	10
Subgrants to Eligible Providers	11
Professional Development	12
Accountability and Quality Improvement	12
Integrated English Literacy and Civics Programs	12
Programs for Corrections Education and Other Institutionalized Individuals	13
Linkages Between Title I and Title II of WIOA	13
<i>State Plans</i>	13
<i>State Boards</i>	14
<i>Performance Indicators</i>	14
Guidance and Regulations	15
Measurable Skill Gains	15
Other Issues	16
<i>Data on Adult Learner Needs</i>	16
<i>Advocacy Opportunities</i>	16
Appendix A: Glossary of Terms	17
Appendix B: Helpful Resources	19

Broad Overview of WIOA

What Is WIOA

The Workforce Innovation and Opportunity Act (WIOA; [P.L. 113-128](#)), the primary federal workforce development legislation, was enacted in July 2014 to bring about increased coordination among federal workforce development and related programs.

WIOA is the successor to the 1998 Workforce Investment Act (WIA; [P.L. 105-220](#)). Workforce development programs provide a combination of education and training services to prepare individuals for work and to help them improve their prospects in the labor market. Most WIOA provisions went into effect on 1 July 2015, and final regulations were published in August 2016.

WIOA includes five titles:

- **Title I—Workforce Development Activities:** authorizes job training and related services to unemployed or underemployed individuals and establishes the governance and performance accountability system for WIOA.
- **Title II—Adult Education and Literacy:** authorizes education services to assist adults in improving their basic skills, completing secondary education, and transitioning to postsecondary education. (This title is most applicable to TESOL educators and is analyzed in depth in this toolkit)
- **Title III—Amendments to the Wagner-Peyser Act:** amends the Wagner-Peyser Act of 1933 to integrate the U.S. Employment Service into the One-Stop system authorized by WIOA.
- **Title IV—Amendments to the Rehabilitation Act of 1973:** authorizes employment-related vocational rehabilitation services to individuals with disabilities to integrate vocational rehabilitation into the One-Stop system.
- **Title V—General Provisions:** specifies transition provisions from WIA to WIOA.

Why WIOA Matters for TESOL

WIOA is relevant to TESOL educators as it is one of the primary federal vehicles for providing education and English language services to adult populations. In particular, Title II of the law, the Adult Education and Family Literacy Act (AEFLA), directly affects the capacity of programming for TESOL educators who work in the adult education arena; one of the formal purposes of AEFLA is to assist immigrants and other individuals who are English language learners (ELLs) in their English reading, writing, speaking, and comprehension skills.

Through coordination with state and local Workforce Development Boards, providers of English language acquisition services for adults can use state and local federal grants to provide services that help integrate ELLs and nonnative English speakers into the workforce. Thus, TESOL members have a vested interest in making sure that their voices are represented to ensure that the needs of ELLs and immigrant populations are factored into decision-making as states and local districts devise their implementation plans for WIOA.

Through coordination with state and local Workforce Development Boards, providers of English language acquisition services for adults can use state and local federal grants to provide services that help integrate ELLs and nonnative English speakers into the workforce.

History and WIA Origins

Federal employment policy, broadly defined, has its origin in New Deal-era programs such as unemployment insurance and public works employment. The first legislation that enacted federal job training programs began in 1962 with the Manpower Development Training Act (MDTA). From that point, there have been four major reauthorizations of the law—with each iteration placing more emphasis on training programs and coordinating with local employers.

TIMELINE OF FEDERAL EMPLOYMENT ACTS

- **1962:** Manpower Development Training Act
- **1973:** Comprehensive Employment and Training Act
- **1982:** Job Training Partnership Act
- **1998:** Workforce Investment Act
- **2015:** Workforce Innovation and Opportunity Act

EVOLUTION OF WORKFORCE DEVELOPMENT LAWS

The MDTA of 1962 initially provided federal funding to retrain workers displaced from jobs due to technological changes. Later, the majority of funding went to classroom and on-the-job training that was targeted to low-income individuals and welfare recipients. Funding from MDTA

was allocated by formula to local communities based on population and poverty levels. Grants under MDTA were administered through regional Department of Labor offices and went directly to local service providers.

The Comprehensive Employment and Training Act (CETA) of 1973 transferred more decision-making authority from the federal government to

local governments. Specifically, CETA provided funding to roughly 470 “prime sponsors” (substate political entities such as city or county governments, consortia of governments, etc.) to administer and monitor job training activities. Services under CETA—which included on-the-job training, classroom training, and public service employment—were targeted to low-income populations, welfare recipients, and disadvantaged youth. CETA was amended in 1978 in part to create private industry councils (PIC) to expand the role of the private sector in developing, implementing, and evaluating CETA programs. The composition of PICs included representatives of business, labor, education, and other groups; PICs acted as a

predecessor to the Workforce Development Boards in later versions of the law.

In 1982, the Job Training Partnership Act (JTPA) succeeded CETA and both expanded and introduced new changes to federal workforce development programs. JTPA established 640 nationwide service delivery areas to streamline and consolidate the provision of services. Additionally, federal funding was now first allocated to state governors and then subgranted to PICs in each of the service delivery areas (unlike CETA, which provided allocations directly to prime sponsors). JTPA also included a prohibition of the public service employment component and a new emphasis on targeted job training and reemployment.

1998’s WIA continued the trend toward service coordination and built upon JTPA by establishing the One-Stop system, through which state and local WIA training and employment activities were provided and in which certain partner programs were required to be colocated. WIA also started the practice of utilizing Workforce Investment Boards, which were responsible for the design of services for WIA participants. In addition to these changes, WIA enacted changes that included universal access to services (i.e., available to any individual regardless of age or employment status), a demand-driven workforce system responsive to the demands of local area employers (e.g., the requirement that a majority of Workforce Investment Board members must be representatives of business), and a “work-first” approach to workforce development.

HISTORY OF FEDERALLY SUPPORTED ADULT EDUCATION

Adult basic education became an official federal priority through U.S. President Lyndon B. Johnson’s War on Poverty. President Johnson believed that education at every level was part of the solution to addressing the nation’s poverty rate in the 1960s of nearly 20%. Among sweeping reforms to public education, including the enactment of the Elementary and Secondary Education Act (ESEA) in 1965, which was seen as a law to ensure equity in education, Johnson signed the Economic Opportunity Act ([P.L. 88-452](#)) into law in 1964. The purpose of the Economic

The MDTA of 1962 initially provided federal funding to retrain workers displaced from jobs due to technological changes. Later, the majority of funding went to classroom and on-the-job training that was targeted to low-income individuals and welfare recipients.

Opportunity Act was to “mobilize the human and financial resources of the Nation to combat poverty in the United States.” Title II Part B of the act was Adult Basic Education Programs, whose purpose was to target adults “whose inability to read and write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability.”

In 1966, the Adult Education Act was established as Title III of the reauthorization of ESEA ([P.L. 89-750](#)). The Adult Education Act established an expanded definition of adult education to cover adults with limited English proficiency and to include teacher training. In addition to low skills in reading and writing in English, the 1966 law also included an inability to speak English with proficiency. However, it did not explicitly mention immigrant populations and nonnative speakers. The 1966 law targeted adults over the age of 18, but was amended in 1968 ([P.L. 90-576](#)) to encompass individuals aged 16 and older. Reauthorized in 1978 ([P.L. 95-561](#)), the law expanded its purpose to ensure “all adults acquire basic skills necessary to function in society.”

Over the decades, federally funded adult basic education has continued to expand its purpose to include not only literacy but language skills for ELLs, mathematics, civics, and other skills that enable adults to contribute to the economy and society.

In 1991, the National Literacy Act ([P.L. 102-73](#)) once again expanded the scope of adult basic education, with a focus on literacy and basic skills—a broadening of the law to go beyond workforce development. The purpose of that law was

to enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs.

HOW THE AEFLA CAME TO BE

In 1998, adult education was combined with other workforce initiatives and placed into WIA, enacted as Title II, the AEFLA. The inclusion of Title II in WIA was a reflection of the growing trend of linking adult basic education and literacy to workforce development, employment, and economic self-sufficiency. Among the links to employment, WIA mandated a partnership among AEFLA programs in the One-Stop delivery system. These linkages remain today, and are reflected in WIOA.

TIMELINE OF FEDERAL ADULT EDUCATION ACTS

- **1965:** Economic Opportunity Act
- **1966:** Adult Education Act (in ESEA)
- **1991:** National Literacy Act
- **1998:** Adult Education and Family Literacy Act (in WIA)
- **2015:** Reauthorization of the Adult Education and Family Literacy Act (in WIOA)

Adult basic education became an official federal priority through U.S. President Lyndon B. Johnson’s War on Poverty. President Johnson believed that education at every level was part of the solution to addressing the nation’s poverty rate in the 1960s of nearly 20%.

Title I: Workforce Development Activities

Overview

Title I of the Workforce Innovation and Opportunity Act (WIOA), the Workforce Development Activities section of the law, authorizes programs and activities that support job training and related services to unemployed and underemployed individuals. Title I programs are administered by the U.S. Department of Labor, primarily through its Employment and Training Administration.

The WIOA system provides central points of service for all its programs via a system of approximately 3,000 One-Stop centers nationwide, through which state and local WIOA employment and training activities are provided and certain partner programs must be coordinated. This system is intended to provide employment and training services that are responsive to the demands of local employers.

Administration of the One-Stop system occurs through state Workforce Development Boards (WDBs), a majority of whose members must be representatives of businesses and which are authorized to determine the mix of service provisions, eligible providers, and types of training programs, among other decisions. WIOA provides universal access (i.e., an adult aged 18 or older does not need to meet any qualifying characteristics) to its career services, but prioritizes service for individuals with barriers to employment, such as low-income adults, ELLs, those who have low levels of literacy, and those facing substantial cultural barriers.

WIOA also requires states to submit unified state plans (USPs) that outline the workforce strategies for the six core WIOA programs—adult, dislocated worker, and youth programs (Title I of WIOA); the Adult Education and Family Literacy Act (AEFLA; Title II of WIOA); the Employment Service program (amended by Title III of WIOA); and the Vocational Rehabilitation State Grant Program (amended by Title IV of WIOA).

Finally, WIOA adopts six “primary indicators of performance” across most of the programs authorized in the law.

Authorized Funding Levels

Authorization laws, such as WIOA, are laws that provide the framework for funding and the use of funds. Authorizers do not have discretion about actual funding levels. Appropriations are the amount of actual funding agreed upon for the authorization.

Title I, in its entirety, constitutes the largest portion of the WIOA budget, and like the other programs authorized under the law, has specific funding levels written into the legislation, as opposed to previous language indicating “such sums as necessary.” However, as noted in other sections, authorized spending levels are still subject to the annual appropriations process; therefore, it is incumbent upon appropriators to ultimately decide how much funding programs under the law will receive. Posted below are the authorized and enacted funding levels for Adult Employment and Training Programs under Title I of WIOA. These are the funding levels most applicable to TESOL and English language education. Fiscal year (FY) 2017 remains only partially resolved through a continuing resolution that expires on 28 April 2017. A continuing resolution is a type of legislation that authorizes funding for government programs. Rather than making funding changes to a program, a continuing resolution continues the preexisting appropriations at the same levels as the previous fiscal year for a specific period of time.

Congressional committees are essentially divided into authorizers and appropriators. The authorizing committees (e.g., the House Education and the Workforce Committee and the Senate Health, Education, Labor, and Pensions Committee) are the primary authors of federal programs under their respective jurisdictions. Appropriators, who reside on the Senate and House Appropriations Committees, decide how much money is spent on those programs.

Title I: Workforce Development Activities (continued)

Title I Authorized Funding Levels for Adult Employment and Training Programs		Title I Enacted Funding Levels for Adult Employment and Training Programs	
FY 2015:	\$766,080,000	FY 2015:	\$776,736,000
FY 2016:	\$883,800,000	FY 2016:	\$815,556,000
FY 2017:	\$902,139,000		
FY 2018:	\$922,148,000		
FY 2019:	\$943,828,000		
FY 2020:	\$963,837,000		

State Workforce Development Boards

WIOA restructures the Workforce Investment Boards of the Workforce Investment Act (WIA) and renames them Workforce Development Boards. State and local WDBs are responsible for the implementation of WIOA on the ground as well as the strategic, long-term goals of workforce development in their respective areas. Each state WDB is chaired by the governor of said state.

The state WDB is responsible for assisting the governor in the following activities:

- development and implementation of a USP
- review of statewide policies, programs, and recommendations that would align workforce programs to support a streamlined workforce development system
- designation of local workforce investment areas and identification of regions
- development of formulas for within-state distribution of adult and youth funds
- development and updating of state performance accountability measures
- identification and dissemination of best practices for workforce development policy

- development of strategies to improve technology in facilitating access to and delivery of One-Stop services
- preparation of annual reports to the U.S. Department of Labor on performance measures
- development of the statewide workforce and labor market information system

The local WDB performs multiple functions in carrying out the programs and services authorized under WIOA, including the following:

- development of a local plan for workforce investment activities
- analysis of regional labor market conditions, including needed knowledge and skills for the regional economy
- engagement of regional employers to promote business participation on the WDB and to coordinate workforce activities that are aligned with the needs of employers
- development and implementation of career pathways
- identification and promotion of proven and promising workforce development strategies
- development of strategies to use technology to increase accessibility and effectiveness of the local workforce system
- oversight of all programs for youth, adult, and dislocated workers
- negotiation of local performance measures with the governorselection of One-Stop operators and eligible training providers
- coordination of WIOA workforce development activities with local education providers
- development of a budget and administration of funding to service providers
- assistance in development of a statewide employment statistics system
- assessment of accessibility for disabled individuals at all local One-Stop centers

BOARD MEMBERSHIP

For a more streamlined process, one of the primary changes from WIA to WIOA is in the number of required members. WIOA reduced the state WDB membership requirements from a minimum of 61 to 33 members and reduced the local WDB membership requirements from a minimum of 51 to 19 members. The membership is designed to be highly inclusive of the business community and to include representatives from the various core programs that WIOA covers.

State WDB Membership

State WDB membership requires

- a governor;
- at least one member of each chamber of the state legislature;
- lead state officials of agencies responsible for core WIOA programs;
- two or more chief elected officials; and
- employers, representatives of business, or trade associations appointed by the governor (must be majority of board), which includes representatives of workforce in the state (must be at least 20% of board) including two or more representatives of labor organizations and
 - at least one representative of an apprenticeship program in the state.

Also permissible are

- 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 that provide or support competitive, integrated employment for individuals with disabilities; and
- other representatives and state agency officials the governor may designate.

Local WDB Membership

Local WDB membership requires

- a chief local elected official;
- representatives of business (must be a majority of the board);
- representatives of workforce (must be at least 20% of the board), including at least two representatives of labor organizations and
 - at least one representative of apprenticeship programs;
- representatives of education and training organizations, including
 - at least one eligible provider administering adult education and literacy activities under WIOA Title II (AEFLA),
 - at least one representative from an institution of higher education providing workforce development activities, including community colleges, and
 - at least one representative from a Career and Technical Education program in the local area; and
- representatives of government and economic development organizations, including
 - at least one representative of economic and community development,
 - at least one representative of employment service, and
 - at least one representative of vocational rehabilitation.

Also permissible are 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 that provide or support competitive, integrated employment for individuals with disabilities.

Unified State Plans

A major responsibility of state and local WDBs is the development of WIOA implementation plans. The plans are designed to describe multiyear approaches that communicate to the U.S. Department of Labor the state and local workforce development goals and strategies to achieve those goals.

WIOA requires a single USP covering all core programs authorized under the bill. The governor of each state must submit a unified or combined state plan to the Secretary of the U.S. Department of Labor that outlines a 4-year strategy for the state's workforce development system and how the strategy will meet identified skill needs for workers, job seekers, and employers. Local plans must be aligned to the strategy described in the state plan and must describe how services provided at the local level will be aligned to regional labor market needs.

WIOA requires that states submit a USP to the Secretary of Labor every 4 years, no later than 120 days before the end of the 4-year period covered by the prior USP. The initial USP for WIOA was required to be submitted by states 120 days prior to the start of the second full program year after WIOA's enactment. States must submit USP modifications at the end of the first 2 years of the 4-year USP period but may also submit modifications at any other time.

USPs must outline the workforce strategies for the six aforementioned core WIOA programs.

COMBINED STATE PLANS

States may also develop a combined plan that includes core programs and one or more additional programs. These programs can include, but are not limited to

- career and technical education;
- temporary assistance to needy families;
- Supplemental Nutrition Assistance Program employment and training; and
- programs under the Second Chance Act.

Programs included in a combined plan retain the requirements from their authorizing legislation.

Performance Measures

WIOA creates a single set of common measures for adults across all core programs authorized under the bill, including both occupational training and adult education programs, and a similar set of common measures across all programs serving youth authorized under the bill.

The six primary indicators of performance in WIOA are:

1. The percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program
2. The percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program
3. The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program
4. The percentage of program participants who obtain a recognized postsecondary credential (or secondary school diploma or equivalent) during participation or within 1 year after program exit
5. The percentage of program participants who are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment
6. The indicators of effectiveness in serving employers established by the Secretaries of Labor and Education

A major responsibility of state and local WDBs is the development of WIOA implementation plans. The plans are designed to describe multiyear approaches that communicate to the U.S. Department of Labor the state and local workforce development goals and strategies to achieve those goals.

STATE ADJUSTED LEVELS OF PERFORMANCE

For each of the primary indicators of performance described above, each state is required to establish a “state adjusted level of performance” in the state plan. The levels are determined through negotiation between states and the Secretaries of Labor and Education. In the state plan, states must identify the expected (adjusted) level of performance for each of the primary indicators for the first 2 program years of the state plan, which covers 4 program years. These agreed-upon levels then become the state adjusted level of performance that is incorporated into the plan.

The negotiation between governors and the secretaries that leads to an agreement on adjusted levels of performance must be based on the following four factors:

1. The relative levels across states
2. The application of an objective statistical model developed by the Secretaries of Labor and Education that helps make adjustments for actual economic conditions and characteristics of program participants
3. The impact of agreed-upon levels on promoting “continuous improvement” in performance and ensuring “optimal return on investment”
4. The extent to which the adjusted levels of performance assist states in meeting performance goals set by the Secretaries of Labor and Education

As part of the process for determining adjusted levels of performance, WIOA requires the development and use of a statistical adjustment model. This objective statistical model is intended to assist states in setting performance levels and in revising state adjusted levels of performance by taking into account the differences among states in actual economic conditions and the characteristics of participants served. In practice, this means an individual state sets its performance goals based on the relative (to other states) economic conditions and characteristics of participants and revises its performance levels at the end of a program year based on the actual economic conditions and characteristics of participants served.

Title II: Adult Education and Literacy

Background and Overview

Title II of the Workforce Innovation and Opportunity Act (WIOA) is commonly referred to as the Adult Education and Family Literacy Act (AEFLA). Under this title, the federal government, through the U.S. Department of Education's Office of Vocational and Adult Education, makes grants to states for services that aim to improve basic skills, including literacy. This title is targeted at out-of-school adults who have levels of educational attainment that are at the secondary level or below or are in need of English language training to bolster their ability to secure adequate employment. A primary goal of AEFLA activities is the education of adult English language learners (ELLs). As implicated by its name, this title also has a focus on adults who have families including young children. The title seeks to equip families with the skills they need to elevate both themselves and their children, theoretically breaking the cycle of poverty by addressing whole families simultaneously.

Education and training under AEFLA is provided on a voluntary basis, and services are delivered by local entities. Curricula and program foci are based on the needs determined at the local level. Services are provided by local organizations and entities through competitive grants and contracts awarded by states.

AEFLA was created as Title II of the 1998 Workforce Investment Act (WIA). The authorization lapsed in 2003 but was extended through the appropriations process until the enactment of WIOA in 2014. WIOA preserved Title II as AEFLA and maintained the law's purpose of authorizing grants to states to fund adult education activities. Eligible local entities that provide these services include local educational agencies, higher education institutions, community-based organizations, and other qualified entities.

Concerning Title II, the major differences between WIA and WIOA include the new emphasis on transition from adult education to postsecondary education and employment and a deliberate focus on ELLs. For example, under WIOA, states are required to develop a unified state plan that coordinates and aligns authorized workforce

programs, including adult education programs, state grants for adults, youth and dislocated workers (authorized in Title I of WIOA), the Wagner-Peyser Employment Service, and vocational rehabilitation state grants; under WIA, adult education was siloed. WIOA also creates alignment of workforce programs through common performance indicators across WIOA programs, with an emphasis on employment and credentials. Under WIA, adult education had its own indicators and there was no alignment with other core programs. Additionally, the law calls out an explicit goal to “prepare adults who are English language learners for, and place them in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency.”

Purpose

The purpose of AEFLA is to create systems of collaboration between federal and state governments and localities to provide educational services targeted at four areas:

1. adult literacy and skill-building education for low-skilled adults to achieve employment that leads to economic independence;
2. education for parents or family members that enables them to become fully supportive of their children's education and development and simultaneously equips adults to become upwardly mobile;
3. education specifically targeted toward the acquisition of secondary school diplomas and the transition to further education; and
4. ELL education aimed at improving literacy skills in English, numeracy skills, and American civics.

AEFLA is extremely relevant to TESOL because of its purpose around the education of ELLs. The title directly affects the capacity of programming for TESOL educators who work in the adult education arena. Under WIOA, the definition of adult education was expanded to emphasize the relationship between adult education services and the transition to postsecondary education and employment.

Title II: Adult Education and Literacy (continued)

WIA did not include employment or postsecondary education in its definition of adult education.

Authorized Funding Levels

The following lays out the authorized funding levels for AEFLA for the duration of WIOA, fiscal years (FY) 2015–2020. It should be noted that while there are dollar amounts authorized in WIOA, it is the role of appropriators to make final decisions on funding levels each year. AEFLA is now into its third year of implementation, but, to date, actual spending levels have only been determined for FY 2015 and 2016. FY 2017 remains only partially resolved through a continuing resolution that expires on 28 April 2017.

Authorized Spending Levels		Enacted Spending Levels	
FY 2015:	\$577,667,000	FY 2015:	\$582,667,000
FY 2016:	\$622,286,000	FY 2016:	\$595,667,000
FY 2017:	\$635,198,000		
FY 2018:	\$649,287,000		
FY 2019:	\$664,552,000		
FY 2020:	\$678,640,000		

To be eligible for these funds, states must match contributions in the amount of 25% of the total expenditures on adult education and literacy services within the state. For outlying areas, such as the U.S. territories, the matching contribution is 12%.

State Grants

States receive funding in two ways. An initial allotment of \$250,000 is distributed to each state (\$100,000 is distributed to each outlying area). The second allotment is distributed by formula based on the quantity of qualifying adults in each state or outlying area. Under Title II, qualifying adults are at least 16 years old, are beyond the age of compulsory school attendance based on state law, are not enrolled in secondary school, and have not earned a secondary school diploma or its equivalency.

Title II is silent on citizenship as a criterion for eligibility of individuals to participate in programs. However, some states have enacted legislation limiting adult education services to citizens or legal permanent residents.

States may spend up to 12.5% of their Title II funding to conduct state leadership activities under AEFLA. These activities fall into two categories: required and permissible. The overarching goal of these activities is to support the work that is conducted at the local level as it pertains to adult education systems within the states (the same applies to outlying areas).

Each state and outlying area that receives AEFLA funds *must* participate in required state leadership activities, include the following:

- Alignment of activities under AEFLA with other core programs, providers, and partners, including One-Stop centers, to implement the strategies outlined in their state plans, with particular attention paid to career pathways that enable individuals to access employment and training services
- The development and implementation of high-quality professional development programs that can improve instruction unique to the specific needs of adult learners (including in the area of reading), instruction delivered by volunteers, and information about models and promising practices in the area of adult education
- Technical assistance to providers of adult education and literacy services whose programs receive Title II funds, including the development and dissemination of evidence-based practices in the areas of reading, writing, speaking, mathematics, English language instruction, distance learning, and staff training; technical assistance on partnering with One-Stop centers to provide access to services; and assistance in the use of technology
- Monitoring and evaluation of quality and improvements in adult education and literacy programs as well as the dissemination of information about models and proven and promising practices

Title II: Adult Education and Literacy (continued)

Each state and outlying area that receives AEFLA funds *may* use their funds on one or more permissible state leadership activities that fall under program development and alignment with other programs, including the following:

- The development or use of technology tools and applications, including distance learning and professional development in technology
- The integration of literacy and English language instruction with occupational training
- Aligning rigorous curricula and content standards with learning outcomes appropriate for adult learners in the areas of reading and language arts, mathematics, and English language acquisition, taking into consideration state standards and current state assessments for adult literacy and skills, standards, and requirements for enrollment in nonremedial postsecondary coursework and, where appropriate, the content of occupational skills and standards used commonly by business and industry within the state
- Pilot programs for improving teacher quality and retention
- The creation and execution of programs and services directed at adults with learning disabilities and ELLs.

There is an emphasis in this section on collaboration between entities carrying out this part of the law so that duplication does not occur and the impact of state leadership activities can be maximized.

Subgrants to Eligible Providers

States use the bulk of their funding, at least 82.5%, to award multiyear competitive grants to eligible providers to develop, implement, and improve adult education and literacy activities. AEFLA defines eligible providers as organizations that have “demonstrated effectiveness in providing adult education and literacy activities.” Providers may include local education agencies, community-based organizations, faith-based organizations, institutions of

higher education, public or private nonprofit agencies, libraries, or public housing authorities.

Grantees are required to establish or operate programs that provide direct services in adult education and literacy, or both concurrently. Those activities are defined as “programs, activities, and services that include adult education, literacy, workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training” (Section 231 of WIOA).

When states review grantees for awards, considerations are made for applicants based on factors that relate to a provider’s ability to serve high-needs populations, deliver high-quality services, and coordinate with other programs and services, including the following:

- Ability to serve those identified as having the highest levels of need within a community, including individuals with low literacy skill levels or who are ELLs
- Whether activities carried out by the provider are based on best practices taken from the most rigorous and appropriate research available
- Effective use of technology, including distance education
- Instruction delivery by well-trained personnel that meet state standards, where applicable, and have access to high-quality professional development
- Coordination of the provider and other education, training, and social service resources to develop career pathways, including relationships with elementary, secondary, and postsecondary schools; institutions of higher education; local Workforce Development Boards (WDB); One-Stop centers; job

Each state and outlying area that receives AEFLA funds may use their funds on one or more permissible state leadership activities that fall under program development and alignment with other programs.

- Whether flexibility of schedules for adult learners is offered, and whether there is coordination with support services necessary to enable individuals to complete the program, such as child care, transportation, mental health services, and career planning
- High-quality information management systems for tracking and reporting on student performance
- Whether the provider is in an area of demonstrated need for more English language acquisition programs and civics education programs

Of the funding distributed to each grantee, at least 95% must be spent on direct services. Up to 5% can be spent on planning, administration, professional development, and program alignment with local plans.

Professional Development

WIOA has an emphasis on professional development to regularly improve the field and integrate the most current technology, including distance learning. WIOA adds four new required leadership activities through state leadership funds:

1. Activities to support alignment within the state plan strategy, including the development of career pathways
2. The establishment of high-quality professional development programs to improve instruction
3. Technical assistance based on rigorous research
4. Evaluation and dissemination of information about promising practices within the state.

States may also use funds for several allowable activities related to instructional technology, models for integrated education and training, and career pathways and support to eligible providers in achieving performance goals, among other activities.

Accountability and Quality Improvement

As is typical of federal programs, Congress designed WIOA with accountability measures to ensure federal funding is being effectively utilized and to allow for quality improvements when necessary. WIOA reserves 2% of AEFLA funds (not to exceed \$15 million) to carry out national leadership activities. It requires the Secretary of Education to support three mandatory technical assistance activities:

1. Support for implementing the new common performance measures
2. Conducting rigorous research and evaluations
3. Carrying out an independent evaluation of adult education and literacy activities every 4 years.

WIOA created common performance standards for accountability across all core programs. In general, these metrics focus on attainment of employment and credentials. The creation of these accountability measures are consistent with the intent of WIOA to emphasize the transition from adult education to employment or postsecondary education. (See “Linkages Between Title I and Title II of WIOA.”)

Integrated English Literacy and Civics Programs

WIOA codifies the integrated English literacy and civics education (previously known as EL-Civics State Grants) program and enhances services for individuals to effectively participate in education, work, and civic opportunities. (EL-Civics State Grants were originally created as a demonstration grant in FY 2000 and have been maintained since then through appropriations; there was no language in statute that officially codified the program. WIOA now authorizes the state grant program through statute). The definition of activities for EL-Civics in WIOA includes

services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables such

Title II: Adult Education and Literacy (continued)

adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services shall include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training. (Section 202 of WIOA)

The integrated English literacy and civics education program dedicates 12% of AEFLA funds (after reserving funds for national leadership activities) to carry out the program. Programs should be designed to

- prepare adults who are ELLs for, and place them in, unsubsidized employment in in-demand industries and occupations that lead to economic self-sufficiency; and
- integrate with the local workforce development system and its functions to carry out the program.

These parameters are for programs but are not requirements for students.

Programs for Corrections Education and Other Institutionalized Individuals

States receiving funds under AEFLA are authorized to distribute funds for the cost of adult education activities for incarcerated and other institutionalized adults within the following categories. (Items in bold are new areas of focus under WIOA.):

- Adult education and literacy services
- Special education services
- Credit toward secondary schooling
- **Programs that integrate education and training**
- **Career pathways**
- **Concurrent enrollment**Peer tutoring
- Reentry efforts and services to reduce recidivism

Grants to entities that carry out programming within corrections facilities and other institutions that house adults are instructed to prioritize their efforts toward individuals with a strong likelihood of leaving institutionalization within 5 years. Additionally, an annual progress report must be submitted to the Secretary of Education and must include the rate of recidivism for criminal offenders who receive services.

Linkages Between Title I and Title II of WIOA

Title I sets up the core governing structure for WIOA and is linked to AEFLA in three major ways:

- the formation of unified state plans (USPs);
- the formation of state and local Workforce Development Boards (WDBs); and
- the use of a common set of performance indicators to determine eligibility and maintain accountability.

STATE PLANS

Under WIOA, each state must submit a USP that establishes a 4-year strategy for the core WIOA-authorized programs in the state, including adult education.

Generally, these plans must assess the state's labor needs and workforce development system and describe how the core WIOA programs will be aligned and coordinated to meet these needs. The plan must also describe how each program will be assessed each year. In addition to the unified components of the state plan, WIOA also requires state plans to address several specific issues related to activities carried out under AEFLA.

Grants to entities that carry out programming within corrections facilities and other institutions that house adults are instructed to prioritize their efforts toward individuals with a strong likelihood of leaving institutionalization within 5 years.

These requirements include descriptions of how the state will

- if applicable, align content standards for adult education with state-adopted academic content standards, as adopted under Title I-A of the Elementary and Secondary Education Act;
- apply statutory considerations when awarding subgrants, including subgrants for correctional education, IEL/CE, and integrated education and training;
- use the funds to carry out state leadership activities;
- use funds to carry out IEL/CE activities; and
- assess the quality of providers and actions to improve such quality.

WIOA also requires local plans to describe how access to services will be expanded, particularly for eligible individuals with barriers, and how the local board will facilitate coenrollment of participants across core programs. Thus, WIOA requires the local workforce board to review applications for adult education funding through Title II

from local providers and requires adult education providers to coordinate with the local workforce board.

STATE BOARDS

The USP is developed by the state WDB. The WDB includes representatives from business, the workforce, and government. Government representatives include the lead state official from each core program and, as such, the lead official from each state's adult education agency will be on the state WDB. Additionally, the local WDB requires at least one eligible provider administering adult education and literacy activities under WIOA Title II.

PERFORMANCE INDICATORS

Each state must identify an expected level of performance for each indicator for each core WIOA program. In practice, this means that data limited to AEFLA grantees will be reported on each of the six performance metrics. Expected levels of performance are negotiated between the state and the Secretary of Labor in conjunction with the Secretary of Education and will be included in each USP.

Guidance and Regulations

In August 2016, the U.S. Departments of Labor and Education issued a joint final rule on the Workforce Innovation and Opportunity Act (WIOA), with the Department of Education taking the lead on guidance related to Title II and the Adult Education and Family Literacy Act (AEFLA). As the guidance is relatively recent, there has been much discussion in states and localities on how to ensure compliance with the new performance accountability measures, as states have been developing their unified or combined state plans.

In particular, providers of AEFLA services under Title II have raised concerns over whether English language acquisition services must always be tied to the attainment of postsecondary credentials or career pathways. For providers of English language acquisition services under WIOA, the overall intent of the services must be framed as helping participants obtain employment and transition into the workforce; however, as long as programs can show a measurable skill gain in English proficiency for their participants, they can meet this requirement and continue to serve a variety of English language learners (ELLs) who may already have a postsecondary credential or who want to improve their English language skills to become better assimilated into the country.

While the intent of WIOA is ultimately workforce development, both the U.S. Departments of Labor and Education have recognized that certain populations, such as ELLs, may require different services and outcomes to transition into the workforce. Therefore, one particular indicator of progress that they have attempted to clarify through guidance is the measurable skill gains indicator.

Measurable Skill Gains

The measurable skill gains indicator is designed to track the percentage of WIOA participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, toward such a credential or employment.

The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure, such as median earnings or employer engagement. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for a workforce system that serves a diverse set of individuals with a range of services tailored to individual needs and goals.

For participants enrolled in an AEFLA program, documented progress could be defined as “documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level.”

In order to document progress on an educational functioning level, “states may compare the participant’s initial educational functioning level, as measured by a pre-test, with the participant’s educational functioning level, as measured by a post-test”

What this means is that the measurable skill gains indicator provides an opportunity to track and report gains in reading, writing, mathematics, and English proficiency.

For providers of English language acquisition services under WIOA, this means they can still serve a variety of ELLs—those who may already have a postsecondary degree from another country or those who want to improve their language skills to better assimilate into the country—and use the measurable skill gains indicator as way to meet performance accountability measures. However, the overall intent of the program must

The measurable skill gains indicator is designed to track the percentage of WIOA participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, toward such a credential or employment.

still be framed as helping participants transition into the workforce.

It should be noted that this particular issue is complicated, and it is unlikely that it will be clarified until more conversations have occurred between state and local Workforce Development Boards (WDBs) and federal agencies.

Other Issues

DATA ON ADULT LEARNER NEEDS

Another particular area of concern for providers of English acquisition services is that the regulations only specify that the state plans include data on characteristics of the workforce—not specifically on adult learner needs. This omission means that state plan data, which informs how services are provided, will not capture the needs of many individuals to whom the law explicitly targets for adult education services. Lack of pertinent data—on, for example, limited-English-proficient and/or low-educated parents of young children, or legal immigrants who have not yet become citizens—will make it easier for key learner subpopulations to be overlooked in state planning efforts, and harder for federal officials to hold states accountable for equitably meeting their needs.

As final rules have already been issued and states have submitted their plans for WIOA implementation, these are not items that can be changed immediately; however, because they do affect the provision of services for ELLs, they should certainly be brought to the attention of the local WDBs and factored into state conversations when they adjust their plans 2 years into their 4-year period.

ADVOCACY OPPORTUNITIES

As most states have already developed and submitted their first set of unified state plans, the best way for TESOL and other stakeholders to be involved in WIOA implementation is to get involved with local WDBs. States will have a chance to modify their plans and make adjustments to their state indicators of success every two years, but local plans are still being formulated and implemented at this time, and all local WDBs are required to have a representative who deals with adult education and literacy issues.

The National Association of Workforce Boards has helped compile contact information and resources for all 50 WDBs as well as information for getting involved with your local board. [Find Workforce Experts](#) on the Workforce Investment Works website is a great starting point to contact your state and local office and get involved in the implementation process.

Appendix A: Glossary of Terms

Adult Education	Academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; <ul style="list-style-type: none">A. transition to postsecondary education and training; andB. obtain employment.
Eligible Individual	An individual who has attained 16 years of age; <ul style="list-style-type: none">A. who is not enrolled or required to be enrolled in secondary school under state law; andB. who is basic skills deficient,<ul style="list-style-type: none">i. does not have a secondary school diploma or its recognized equivalent and has not achieved an equivalent level of education, orii. is an English language learner.
Eligible Provider	An organization that has demonstrated effectiveness in providing adult education and literacy activities that may include a local educational agency; <ul style="list-style-type: none">A. a community-based organization or faith-based organization;B. a volunteer literacy organization;C. an institution of higher education;D. a public or private nonprofit agency;E. a library;F. a public housing authority;G. a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education and literacy activities to eligible individuals;H. a consortium or coalition of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H); orI. a partnership between an employer and an entity described in any of subparagraphs (A) through (I).
English Language Acquisition Program	A program of instruction <ul style="list-style-type: none">A. designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; andB. that leads to<ul style="list-style-type: none">i. attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education and training, orii. employment.

Appendix A: Glossary of Terms (continued)

English Language Learner	When used with respect to an eligible individual, this term means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language.
Family Literacy Activities	Activities that are of sufficient intensity and quality to make sustainable improvements in the economic prospects for a family, that better enable parents or family members to support their children's learning needs, and that integrate all of the following activities: <ul style="list-style-type: none">A. Parent or family adult education and literacy activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiencyB. Interactive literacy activities between parents or family members and their childrenC. Training for parents or family members regarding how to be the primary teacher for their children and full partners in the education of their childrenD. An age-appropriate education to prepare children for success in school and life experiences.
Integrated Education and Training	A service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement.
Integrated English Literacy and Civics Education	Education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enable such adults to achieve competency in the English language and acquire the basic and more advanced skills needed to function effectively as parents, workers, and citizens in the United States. Such services include instruction in literacy and English language acquisition and instruction on the rights and responsibilities of citizenship and civic participation, and may include workforce training.
Workforce Preparation Activities	Activities, programs, or services designed to help an individual acquire a combination of basic academic, critical thinking, digital literacy, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education or training, or employment.

Appendix B: Helpful Resources

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) LAW AND GUIDANCE

- [The Law \(PDF\)](#)
- [Final Rules for Title II \(AEFLA\)](#)
- [Final Rules for All Other Programs](#)
- [Office of Career, Technical, and Adult Education \(OCTAE\) Performance Accountability Guidance for WIOA Titles I, II, III, and IV](#)

U.S. DEPARTMENT OF LABOR AND U.S. DEPARTMENT OF EDUCATION RESOURCES

- [OCTAE Hub on WIOA](#)
- [U.S. Department of Education Adult Education and Literacy Homepage](#)
- [U.S. Department of Labor WIOA Homepage](#)
- [U.S. Department of Labor WIOA Operating Guidance: Best Practices, Partnership Models, and Resources Available for Serving ELLs, Immigrants, Refugees, and New Americans](#)

STAKEHOLDER RESOURCES

- [Migration Policy Institute \(MPI\) Fact Sheet: Immigrants and WIOA Services: Comparison of Sociodemographic Characteristics of Native- and Foreign-Born Adults in the United States](#)
- [MPI Webinar: Overcoming WIOA Barriers to Immigrant and Refugee Adult Learners](#)
- [MPI Webinar: Using Data to Improve WIOA Services for Immigrants and Refugees](#)
- [National Association of Workforce Boards \(NAWB\) WIOA Overview](#)
- [NAWB WIOA Resources](#)
- [Workforce Investment Works: Find Workforce Experts](#)
- [National Skills Coalition \(NSC\) WIOA Resources](#)
- [NSC Webinar: Unpacking WIOA](#)
- [Center for Law and Social Policy WIOA Opportunities for Action](#)

Learn. Share. Shape the Future.

Attend the 2017 TESOL Advocacy & Policy Summit

18–20 June 2017 | Alexandria, VA

www.tesol.org/advocacysummit

Follow Us:    @TESOL_Assn



tesol
international
association

1925 Ballenger Avenue
Suite 550
Alexandria, VA 22314 USA
+1 703.836.0774
advocacy@tesol.org

About TESOL International Association

Founded in 1966, TESOL International Association is a professional community of educators, researchers, administrators, and students committed to advancing excellence in English language teaching for speakers of other languages worldwide. With more than 12,500 members representing more than 150 countries, TESOL fosters the exchange of ideas, research, and peer-to-peer knowledge, and provides expertise, resources, and a powerful voice on issues affecting the profession. Through professional development programs, its international conference, special interest groups, and publications, TESOL engages tens of thousands of professionals to collaborate globally and create a world of opportunity for millions of people of all ages who want to learn English. For more information, please visit www.tesol.org.

© 2017 by TESOL International Association. All rights reserved.