

## 2018-19 FAQ's for California WIOA Title II Agencies

### Workforce Innovation and Opportunity Act (WIOA)

#### *Why did the federal system change to WIOA?*

In June 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), and the President signed the bill on July 22, 2014. The intent of the WIOA legislation was to improve and replace the Workforce Investment Act (WIA) of 1998. On July 1, 2016 WIOA officially became law.

#### *What are the differences between what is- required under WIOA, versus what was required for WIA?*

- All Core Programs funded under WIOA (Title I, II, III, IV) share planning at the state and local levels, and share the same Performance Indicators and reporting requirements, such as employment rate, median earnings, skill gains, percentage of participants who are in a program leading to either postsecondary credential or employment
- In California, the 49 regional Workforce Development Boards (WDB's) have been working with WIOA II and other WIOA partners to develop a Memorandum of Understanding (MOU) across partners and establish a workforce plan in their respective regions.
- Data collection continues to be a vital, increasingly important issue to good performance at the state and local level.
- Targets good jobs with growth potential, not just job attainment – and requires each local region to identify industry priorities in their area.
- Emphasis on Career Pathways and Sector-based Strategies as important vehicles to move individuals from a starting job to a sustainable wage job
- WIOA requires that student status in relation to over a dozen “barriers to employment” is collected (such as homeless, disabilities, veterans, ex-offenders)
- WIOA II now has more challenging follow up outcomes that will require statewide data match with EDD (for employment outcomes) and with the CCCCCO (for post-secondary) and a new supplemental survey to identify additional outcomes for employment and wages.

### ***What is the difference between WIOA Titles I, II, III, and IV?***

Titles I through IV represent the different sections for the federal WIOA legislation. Below is a brief overview:

- *WIOA Title I.* Helps job seekers with career counseling, job search assistance, and job training. In California, the state agency responsible for Title I is the California Workforce Development Board (CWDB).
- *WIOA Title II.* Helps adults who lack basic skills. Services assist with improving reading, writing, math, and English proficiency; attaining a high school diploma or equivalent; and transition to employment or postsecondary education/training. In California, the state agency responsible for Title II is the California Department of Education (CDE).
- *WIOA Title III.* Helps jobseekers, including those getting unemployment benefits. Services assist jobseekers in finding work and help employers with recruiting. In California, the state agency responsible for Title III is the Employment Development Department (EDD).
- *WIOA Title IV.* Helps individuals with disabilities maximize their employability, independence, and integration into the workplace and society. Programs offer comprehensive and individualized services including vocational rehabilitation, occupational training, and assistive technologies. In California, the state agency responsible for Title IV is the Department of Rehabilitation.

### ***What are Sector based strategies and how does this term apply to WIOA?***

Sector based strategies refers to the different WIOA providers -- represented by agencies in Titles I, II, III, and IV -- collaborating and seeking feedback from the key employers in their region. (the employers, not the WIOA agencies, are the ones in “the driver’s seat.”) The WIOA providers should harness industry intelligence to identify industry needs, determine which critical skills are necessary to meet these needs, and then design education and training resources to meet them.

### ***What are WIOA Barriers to Employment?***

Barriers to Employment is a new data field that agencies must collect for all WIOA learners upon enrollment, indicating from among 14 issues that may present additional challenges for that student obtaining employment and other WIOA outcomes. Examples include homeless, ex-offenders, and single parents.

### ***What is the purpose of WIOA Memorandum of Understanding (MOUs)?***

MOU's are required for all WIOA agencies in each region, initiated by the local Workforce Development Board (WIOA Title I.) Under WIOA, the WDB/Title I agency is responsible for collecting and aggregating data for all Title I, II, III, and IV agencies in the local region. Because of this the WIOA Title I agency must establish protocol and assume legal responsibility for this data sharing, so receiving the signed Memo of Understanding (MOU) from the WIOA partners is critical for the Title I agency to proceed with its obligations. In general, all California Workforce Development regions developed and signed these MOU's on or before June 30, 2016.

In PY 2017-18, California agencies continued this process of collaboration between WIOA Titles I and II. In 2016-17, agencies worked regionally with local employers to establish a regional workforce plan. ("MOU Phase II") and this process continues in PY 2017-18 with "MOU Phase II"

### ***Once implementation of WIOA is in place, will agencies be required to provide Social Security Numbers (SSN's) for each student?***

Social Security Numbers will be the only student identifier that is used in the WIOA II data match with the EDD to determine follow up outcomes related to employment. As such, it is recommended that agencies collect SSN from the students willing to provide it, as it will most likely improve outcomes at both the state and local level.

SSN's will ***not*** be required for students to receive instruction and services from WIOA Title II agencies.-

- If the student does not wish to provide SSN, the student is not required to
- If the local agency does not wish to initiate the process of asking students for this information, it is not required to
- If the student does not have a SSN, then the agency should go ahead and provide services to that student anyway

If agencies do use student SSN's, they need to ensure that they have each student complete a signed consent form granting their permission for the agency to share this information. The CDE posted guidance on this issue through a new CDE Management Bulletin, which includes a sample consent form, and has it available at this link:

<https://www.cde.ca.gov/sp/ae/ir/mgtbulletin20171.asp>

## **NRS Performance Tables**

### ***Based on the new WIOA changes, are there changes in the NRS Federal Tables?***

Yes, the NRS released a new set of reporting tables for WIOA Title II agencies. Some highlights of these changes:

- Federal Table 3: new reporting for Integrated Education and Training (IET) and Integrated EL Civics Education (IELCE).
- Federal Table 4: replaces Column E Advance One or More levels with HSE/HS diploma.
- Federal Table 4: three new columns to report enrollment and outcomes for additional learner Periods of Participation.
- Federal Table 5: includes entirely new set of reportable outcomes, eliminates the NRS cohorts system and random survey sampling.
- WIOA Statewide Performance Template: joint statewide reporting documents for all WIOA partners; includes synthesized outcome reporting from WIOA Title I and II, and key new demographics such as Barriers to Employment.
- Beginning July 1, 2018, additional new NRS tables will be implemented:

<https://nrsweb.org/sites/default/files/Training-of-Trainers-TblChngs-508.pdf>

### ***What are the new NRS Tables that will be implemented?***

- Table 2A provides information about students that do not have 12 or more hours of instruction.
- Table 4A has been enhanced to include additional details about specific Measurable Skills Gains (MSGs) reported on Table 4.
- Table 11 includes information related to Integrated Education and Training (IET)

## **Recommended Hours Rule for Pre- and Post-Testing**

### ***What is the State Assessment Policy on the recommended number of hours between pre and post testing?***

The California Assessment policy states that CASAS recommends assessing students after approximately **70-100** hours of instruction, with the following exceptions:

- Programs offering high intensity courses (for example, a class meets more than 15 hours per week) may choose to test at the end of a semester, term, quarter, or other substantial block of instruction, even though the instructional intervention is more than 100 hours of instruction.
- Programs offering low intensity courses with fewer than 70 hours in a semester, quarter, term, or other substantial block of instruction, may choose to administer a post-test at the end of the instructional period.

Programs may assess individual learners who indicate they are leaving the program before the scheduled post-test time to maximize collection of paired test data. However, testing should not occur before a minimum of 40 hours of instruction. The testing of a student with fewer than 40 hours of instruction must be reviewed and approved by local authorized personnel (principal, vice principal, coordinator) and these individual student approvals must be kept and made available for review by the CDE.

### ***Q: How can agencies identify students with a pre- and post-test pair and fewer than 40 hours of instruction?***

A: Agencies can generate the TOPSpro Enterprise Data Integrity Report and “drill down” to display the list of students for DIR item #22, “Learners with a pre-/post-test pair with less than 40 hours of instruction.” Staff should review this list and correct as many listed issues as possible. The local agency administrator should review this list and must sign and date the list of students for which the administrator is approving as an exception to the minimum 40 hours between pretest and post-test rule.

### ***Q: Is the 40 hours rule determined by hours on the Update Record or by hours from the Test Record?***

A: If an agency is documenting learner hours on both forms, the TE Data Integrity Report will use the pre- and post-test hours from the Test Record. However, if an agency uses only the Update Record to document hours, then TE will use that to report this information on the DIR.

### ***Q: What is the permissible percentage of agency learners with fewer than 40 hours between pre- and post-test that a WIOA Title II agency can have?***

A: There is no permissible percentage in regard to this policy. Administrators must approve exceptions to the 40-hour rule on a case by case basis. If you have a recurring issue with the 40-hour rule (such as a jail program where students are removed from the class) contact your CDE consultant for further instructions.

***Q: Does the minimum 40 hours pre- and post-testing rule affect or “change” the requirement for a learner to have 12 hours of instruction?***

A: No. All learners must have a minimum of 12 hours of instruction for inclusion in the Federal Tables or to earn payment points. The 40 hour rule only relates to the minimum amount of instruction before administering a post-test. Please note that 70-100 hours are recommended.

***Q: Can agencies proxy a learner's hours of instruction from one program year to the current program year in TOPSpro Enterprise?***

A: No. Agencies cannot proxy instructional hours in TE. Any attendance hours reported for the current program year must actually occur within the current year—that is, between July 1 and June 30.

***Q: My agency provides continuous year around service, with learners enrolled in program across two program years. How can we document that learners have had a minimum of 40 hours of instruction, when the pretest is given in May of one program year and then post-tests in July of the next program year, with the majority of the minimum 40 instructional hours provided in the previous program year?***

A: In the TE Report Setup window, you can run any report specifying any date range you choose--regardless of whether these dates occur within the same program year or across program years. To determine hours across program years in the example above, use the proxy date range of May 12 through July. Run a report that tracks student test scores and instructional hours, such as the Student Gains or the Student Test Summary report, and verify that each learner has a minimum of forty or more hours between pre- and post-test. File a copy of the report(s) with the signed copy of the DIR Exceptions report that documents your administrator's approval of learners with less than 40 hours.

***Q: Won't this conflict with NRS guidelines that specify that hours reported for the program year must occur within that program year?***

A: You must follow existing NRS guidelines for submitting quarterly and end-of year data.

1. To comply with NRS guidelines, continue to use the required date range(s) for all TOPSpro reports when completing quarterly and end of year NRS data reporting requirements.
2. A learner must have a minimum of 12 hours of instruction within the program year to qualify for WIOA Title II reporting on either the NRS Federal Tables [or the CA Payment Points reports.]
3. For this situation described in the example, follow the State Assessment Policy procedures for reporting exceptions to the 40-hour minimum between pre and post testing. Document the instructional hours in the previous program year by following the instructions in the above FAQ. Please include this process in your agency's Guidelines for Local Assessment, so that it is clear how your agency determined these instructional hours. Clearly indicate that for this group of learners, it includes instructional hours accrued in the previous program year, and that your agency adheres to the policy to only administer post-tests to those who have at least 40 or more hours of instruction.
4. Only learners with instruction that is continuous in nature and occurs within the proxy date range of May 12 – Sep 30 should be included in the exceptions in #3 above.
  - For example, a learner who enrolls in a class beginning May 15 and completing July 15 is receiving continuous instruction, and is an appropriate example of a situation for documenting 40 hours across a program year.
  - On the other hand, if a learner enrolls in a class running from April 1 to June 1, and then starts another class beginning September 1—that is an example of instruction that is NOT continuous—so in this example agencies should not use these hours from May-June of the previous year when tracking instructional hours for the current year.

## **Record Retention**

### ***What is the CDE requirement for retaining TOPSpro Enterprise answer sheets, such as the Entry, Update, and Test Record?***

Agencies should retain these forms for at least three years. More specifically, agencies should retain records for the previous three program years. For example, during the 2016-17 program year, agencies should keep all records dated July 1, 2013, and later.

### ***What if an agency is using a local agency form or one that is compatible with a third-party attendance system to document learner enrollment instead of the TOPSpro Enterprise Entry Record?***

Agencies may use local agency forms or attendance system forms instead of the Entry Record. If they choose to do this, then the attendance system form must collect at a minimum the exact information as the Entry Record, and they must retain these forms for the same duration (three years) as the TOPSpro Enterprise forms.

***Can agencies use attendance system documentation instead of the Update or Test Record?***

Agencies can use attendance system forms (or forms generated by the local agency) instead of the Update Record, provided these forms contain all the information as the Update Record. Agencies cannot use attendance systems to collect data on the Test Record.

***What if an agency has developed a “paperless” data collection system? For example, using the attendance module in TOPSpro Enterprise, a third-party attendance system that is automated and does not require use of scannable forms, or meeting assessment requirements electronically via CASAS eTests?***

Agencies may collect data using electronic formats. If an agency is “going paperless,” such as using the attendance module in TOPSpro Enterprise, using a third-party attendance system, and/or completing all assessment requirements with CASAS eTests, then it needs to ensure that it saves the electronic data using an external unit (such as a CD Rom or thumb drive) and then retains the media for the same minimum three-year period as for paper documentation.

## **Distance Learning**

***Are there any special requirements for learners in Distance Learning programs?***

Learners in Distance Learning programs have the same data collection requirements as other WIOA Title II learners — an Entry Record upon enrollment, an Update Record upon 12 or more hours of instruction, and a valid pretest and post-test pair. For all of these learners, agencies should mark Distance Learning in the TOPS Enterprise Classes-Instances Record. These learners should also be reported separately on core performance follow-up data.

***What if the learner is enrolled in a class that features distance learning as well as traditional classroom instruction?***

If more than 50 percent of the instruction is in distance learning, then mark Distance Learning; if distance instruction equals 50 percent or less, do not mark it. If you wish to track these classes separately, you can designate these classes in the TE Class Instance Record. Under Instructional Setting, mark “Classroom plus Distance Learning” to track the program.

***A component of distance learning that is especially challenging to record accurately is when students complete instructional videos. How do I know how many hours of instruction to mark?***

The CDE has convened a Distance Learning Advisory Committee that reviews distance learning materials, including videos commonly used by adult education students and makes recommendations for assigning proxy hours for learner completion of the module or video. Please consult your CDE consultant for information.

## **EL Civics and Integrated Education and Training**

***What is the difference between Integrated EL Civics (IELCE) and Integrated Education and Training (IET)?***

Integrated EL Civics (IELCE) was new with implementation of WIOA Title II. IELCE integrates ESL instruction under EL Civics with workforce preparation, with the program activities organized to function cooperatively.

Integrated Education and Training (IET) is also a new feature brought forward with implementation of WIOA. IET includes three basic components: 1) Adult Education (that is, ABE, ASE, or ESL); 2) Workforce Preparation (adult education instruction with an emphasis on basic skills and language training that is necessary for success in the workplace; 3) Workforce Training (the “hands on” occupational training such as OJT, apprenticeship, or CTE.) For more information about IET:

<http://www.clasp.org/resources-and-publications/publication-1/WIOA-IET-Model-Programs.pdf>

***Are there any differences with how IET and IELCE are being implemented in California versus how it is done in the federal model?***

Section 243 IET/IELCE in California WIOA II is basically the same as anyplace else, with a couple key exceptions:

1. The federal model allows for IET implementation for all WIOA II programs (ABE, ASE, ESL) while in California it is authorized only for ESL.
2. In California, Section 243 IELCE is part of a broader EL Civics model that also includes two areas under Section 231 – Civic Participation and Citizenship Preparation – that have been part of the California delivery model since 2003.

### ***What are EL Civics focus areas?***

Focus areas in EL Civics refer to the priorities and goals that the ESL instruction is intended to achieve. The three EL Civics focus areas are 1) 231 Civic Participation; 2) 231 Citizenship Preparation; 3) 243 IELCE.

### ***What are COAAPs and which EL Civics focus areas use them?***

Community Objectives and Additional Assessment Plans (COAAPs) are assessments developed by agencies locally to focus on specific areas of community integration that represent priority areas for ESL students in each region. You can find more information about COAAPs here:

<https://www.casas.org/docs/default-source/el-civics/coap-information.pdf?sfvrsn=24?Status=Master>

### ***Which EL Civics areas use COAAPs?***

Section 231 Civic Participation and Section 243 IELCE use COAAPs.

### ***How many COAAPs may an agency select each year?***

Agencies may now select up to ten COAAPs each year.

### ***May an agency select fewer than three, or more than ten per year?***

Yes. An agency may select fewer than 3 or more than 10 COAAPs but must request permission of the corresponding CDE Regional Consultant. Once an agency has been granted permission for the selection of a specific number of COAAPs, the agency need not request permission again until the number of COAAPs exceeds the original request.

Example: if an agency was granted permission to select 12 COAAPs in 2016-17 and wanted to select 8 COAAPs in 2017-18, that agency would not need to request permission again. However, if the agency wanted to select more than 12 COAAPs in 2017-18, this would require CDE permission.

### ***How do I designate learners as EL Civics specific learners?***

***TE determines specific learners for EL Civics at the class level rather than the student level. In the TE Class Instance Record, under Focus Area, designate the class for 231 Civic Participation, 231 Citizenship Preparation, or 243 Integrated EL Civics (IELCE). Also, be sure to assign the Instructional Program as ESL***

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### ***What is the difference between Section 231 and Section 243 EL Civics?***

Section 231 EL Civics includes the two focus areas that have been in place since 2003, Civic Participation and Citizenship Preparation, and typically only includes ESL instruction (there is no requirement to enroll students or integrate instruction with workforce preparation activities.)

Section 243 (see above) is the integrated component of EL Civics that requires assimilated instruction and student focus on workforce preparation.

***Will agencies that choose to implement IELCE and IET have additional reporting requirements in 2018-19?***

For TE data collection, the requirements will largely be the same for IELCE as for other EL Civics focus areas.

However, agencies that choose to do IELCE and/or IET will be required to complete an annual IET plan, due April 30, 2019. In this plan, agencies will report on IET models they have initiated, explain how they are providing IET opportunities for students, and how they have collaborated with internal and local partners to implement these new program options.

## **CASAS Assessment Issues**

***Where can I find a detailed list of CASAS assessments that are authorized for California accountability reporting?***

You can find a detailed list in the California Assessment Policy, which is downloadable at [www.casas.org](http://www.casas.org), and is included as an attachment of the California Administration Manual. This document lists, by test series and modality, the CASAS test forms that the CDE allows for accountability reporting (and thereby to collect payment points.)

***Which test modalities are authorized for California accountability reporting?***

WIOA Title agencies in California should use reading and/or math tests for ABE and ASE, and reading and/or listening tests for ESL.

***What if a student has two sets of pre-/post-test pairs, such as an ABE learner with matching tests in both reading and math?***

The TOPSpro Enterprise reports will select the pre-/post-test pair that places the learner into the lowest Federal Educational Functioning Level (EFL).

***What if the student has two pairs of tests, but one pre-/post-test pair is in an ESL class and the other pair is in ABE?***

This is the one exception to what is stated above. If a student has tests in multiple programs, then Enterprise follows an established hierarchy, which is 1) ESL, 2) ABE, and 3) ASE. So in the example above, TE would select the tests that are assigned to ESL.

***Does CASAS have new assessments available that align with the new standards related to WIOA and common core?***

Yes. CASAS has developed a new assessment series (GOALS) for reading and math. New tests for listening are in development.

- Reading received federal approval for ABE/ASE programs on February 1, 2018.
- Math was submitted to OCTAE for approval for ABE/ASE on April 1, 2018.
- CASAS is conducting studies to relate GOALS reading forms to the NRS EFL descriptors for ELL
- Strongly aligned with College and Career Readiness (CCR) Standards for Adult Education
  - **Reading** – assesses higher order thinking skills (Depth of Knowledge), complex informational text, and vocabulary, including academic language
  - **Math** – Focuses on conceptual understanding, procedural skills, and the application of mathematics in both academic and real-world (i.e., employment and home) contexts.

## **High School Equivalency (HSE)**

***How is the data about HSE testing going to be verified?***

HSE outcomes will be determined annually by the CDE HSE data match.

***When will the CDE HSE data match be accomplished? After our final data submission on August 1st? What happens if a discrepancy is discovered?***

The CDE HSE data match is conducted each fall after the End of Year data submission. If the data match identifies HSE outcomes earned by students that the agency did not record, it will credit the outcome to the student; likewise, if the data match cannot verify a student that the agency did record, it will not credit that outcome. In order to facilitate the HSE data match process agencies are advised to enter the ID number assigned to the student when taking the HSE exam in TOPSpro Enterprise.

***With all of the changes to HSE since 2014, it has become more difficult for agencies to collect and record data required by the CDE data match. Two issues in particular are 1) Fewer agencies remain as authorized testing centers; 2) None of the new HSE exams uses SSN for the HSE ID. How can agencies ensure all of their HSE outcomes are verified through the data match?***

The CDE HSE data match compares each student's HSE ID recorded in TE to the student ID assigned to the student when completing the GED, HiSET, or TASC. Many agencies have reported difficulty obtaining this information from ASE students, so here are some suggestions to improve your chances of obtaining a data match:

1. Enter the HSE ID for all students who attempted a HSE exam – whether or not you think the student passed. Sometimes students report inaccurate information, take the exam at another site.
2. “Assume the best for the student.” Mark “Passed HSE” even if you are unsure whether the student passed. It is fine to assume the best, as long as you realize that your ultimate payment points total will decrease, as inevitably some students will not pass.
3. Verify student demographics fields, and ensure everything is 100% correct. In addition to checking basic HSE information, the CDE data match does a separate check for four demographics fields – first name, last name, gender, and date of birth.

***What is being done at the state level to improve this challenging process?***

1. The CDE is developing a standard form for students to sign so the CDE HSE office can release test results to the schools that provided the educational services.
2. After the official HSE data match, CDE will send general summarized numbers of learners passing HSE to each local agency.