

TRAINING AND EMPLOYMENT NOTICE	NO. 21-16
	DATE December 5,2016

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
AFFILIATE AMERICAN JOB CENTER MANAGERS
COMPREHENSIVE AMERICAN JOB CENTER MANAGERS
DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING
ADMINISTRATION REGIONAL ADMINISTRATORS
WORKFORCE INVESTMENT BOARD LOCAL CHAIRS
WORKFORCE INVESTMENT BOARD STATE CHAIRS
WORKFORCE INVESTMENT BOARD STATE EXECUTIVE DIRECTORS
WORKFORCE INVESTMENT BOARD LOCAL EXECUTIVE DIRECTORS

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Regional and Local Planning and Local Board Responsibilities Questions and Answers (Q&A)

1. **Purpose.** The purpose of this Training and Employment Notice (TEN) is to provide State and Local workforce system leaders and other stakeholders an informational Q&A on the requirements for regional and local planning under WIOA. The Q&A also addresses the role of Local Workforce Development Boards (Local Boards) in reviewing provider applications for the local competition under the Adult Education and Family Literacy Act (AEFLA), which are required under WIOA to align with Local Plans.

2. **References.**

- WIOA Secs. 106-108, 182 and 231-232
- 20 CFR part 679
- 34 CFR part 463
- Program Memorandum OCTAE 15-6, *Competition and Award of Adult Education and Family Literacy Act Funds under the Workforce Innovation and Opportunity Act – Frequently Asked Questions*
- Program Memorandum OCTAE 17-1, *Clarifications Regarding Competition and Award of Adult Education and Family Literacy Act Funds to Eligible Providers under the Workforce Innovation and Opportunity Act*
- Training and Employment Guidance Letter No. 14-15, *Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans*

3. **Background.** Section 108(a) of WIOA and regulations at 20 CFR 679.550 require Local Boards to submit a Local Plan to the State. In addition, WIOA Section 107(d)(11)(B) requires Local Boards to review applications for WIOA title II funds and make recommendation the State eligible agency to promote alignment with the Local Plan.
4. **Questions and Answers:** The Q&A announced by this TEN describes the content, timing and development of Regional and Local Plans as provided in the statute and regulations, as well as provides information pertinent to expectations for Local Boards and the title II funds competition.
5. **Action Requested.** States and Local Boards should review the attached Q&A.
6. **Inquiries.** Questions should be directed to your Regional Office.
7. **Attachment(s).**
 - a. WIOA Regional and Local Planning Q&A.

Questions and Answers
Workforce Innovation and Opportunity Act
Regional and Local Planning and Local Board Responsibilities

1. Q. ***What is a Regional Plan?***

A. A Regional Plan is a four-year action plan to develop, align and integrate service delivery strategies and resources among the multiple local workforce development areas in a given region. Regions are identified by the State, according to the requirements of WIOA Section 106(a) and 20 CFR 679.510, in order to align workforce development activities and resources with larger regional economic development areas and available resources. The Regional Plan must be consistent with the vision and goals of the State Plan. The substance of the Regional Plan is described at WIOA Section 106(c)(2) and 20 CFR 679.510.

2. Q. ***How is a Regional Plan developed?***

A. A Regional Plan is developed collaboratively by two or more Local Boards and chief elected officials (CEOs) within a region, as identified by the State.

3. Q. ***When is a Regional Plan required?***

A. A Regional Plan is required if the State assigns two or more local areas to a region. (For more on how regional planning areas are identified by the State, see WIOA Section 106(a) and 20 CFR 679.200 and 679.210). Local planning requirements described at Section 108 still apply, but each Local Plan in that region must be incorporated into the Regional Plan. The State may issue guidance that allows the Local Boards and CEO(s) in a planning region to address any Local Plan requirements through the Regional Plan where there is a shared regional responsibility, as described in 20 CFR 679.540.

4. Q. ***When is a Regional Plan not required?***

A. If a region, as designated by the State, includes only one local area, then a Regional Plan is not required. In this case, the Local Board must submit only a Local Plan to the Governor for approval.

5. Q. ***What is a Local Plan?***

A. A Local Plan is a four-year action plan to develop, align and integrate service delivery strategies and resources among the six WIOA core programs and partners in a specific local area. The Local Plan should support achievement of the State's vision and goals, as outlined in the State Plan. This is described at WIOA Section 108(a), and the contents of the Local Plan are described at WIOA Section 108(b) and 20 CFR 670.560.

6. Q. ***How is a Local Plan developed and submitted?***

A. The Local Board develops a Local Plan in partnership with CEO(s) and submits the plan to the Governor for approval according to requirements at 20 CFR 679.550-580 and WIOA Section 108.

7. Q. ***How frequently is a Local Plan required?***

A. A Local Plan is required every four years (with special instructions for single area states,

see below). At the end of the first two years of the four-year period, the Local Board, in partnership with the chief elected official(s), must review the plan and submit any modifications as needed in accordance with 20 CFR 679.580.

8. Q. ***How frequently is a Regional Plan required?***

A. The Regional Plan is a four-year plan, but, at the end of the first two years of the four-year period, the Local Boards within the region must review the plan and submit any modifications as needed as prescribed in 20 CFR 679.530.

9. Q. ***How does a Local Plan fit within a Regional Plan?***

A. The Regional Plan represents the big picture of a region's economy and workforce environment with a focus on collaborative strategies to be implemented across multiple local areas to attain regional goals and objectives. The Local Plans within a region support and align with the Regional Plan, and Local Plans must be incorporated as a part of the Regional Plan. WIOA requires that both local and regional plans align with the State Plan.

10. Q. ***When are Regional and/or Local Plans due?***

A. The statute does not establish a due date for Regional/Local Plans, but rather requires that Governors issue a policy, per WIOA Section 106(c)(2), to Local Boards and CEOs within a planning region for submission of the Regional and Local Plans. The policy must include a deadline for submission of the plan(s). Importantly, the Local Board must make the Local Plan available for a public comment period of no more than 30 days and the Local Board must submit any comments that express disagreement to the Governor along with the Local Plan.

11. Q. ***What is the State review timeline for Regional and/or Local Plan approval?***

A. The State has 90 days to approve or deny a regional or Local Plan. If the Governor does not deny the plan within this window, the plan is considered approved.

12. Q. ***For a multi-local-area region, are performance goals negotiated by individual local areas/chief local elected official or collectively as a region?***

A. Local Boards and CEOs within a region must establish an agreement for how they will negotiate performance accountability measures with the State. The agreement may require performance negotiation and reporting for each local area within the region or it may require negotiation of measures and reporting for the region as a whole.

13. Q. ***What regional and local planning is required of single area States?***

A. Requirements for single area States to put in place Regional, if appropriate, and Local Plans differ from States that have two or more local areas. For single area States, including States with an approved waiver to allow the State Board to carry out functions of the Local Board, the material that would normally be included in a regional and Local Plan and reviewed and approved by the State must instead be included in the State's State Plan. As discussed in Training and Employment Guidance Letter No. 14-15, DOL exercised its transition authority provided at WIOA Section 503 to delay local planning requirements for single area states until DOL issues further guidance.

Local Plans and Local Adult Education and Family Literacy (AEFLA) Competitions

WIOA Section 231 includes new requirements for the eligible agency under AEFLA to consider the extent to which the eligible provider demonstrates alignment between the proposed activities and services and the strategies and goals of the Local Plan under Section 108. These requirements are further described below.

Q. *How do Local Plans impact the Adult Education and Family Literacy Act (AEFLA) local competition?*

A. WIOA Section 231 requires the State or, more specifically, the eligible agency in the State which awards multi-year grants and contracts on a competitive basis under AEFLA, to consider the extent to which the eligible provider demonstrates alignment between the proposed activities and services and the strategies and goals of the Local Plan under Section 108. Therefore, State-approved Local Plans, which may include plans approved with conditions, must be in place in local workforce development areas *prior* to competing and awarding AEFLA grants or contracts to eligible providers under WIOA.

Q. *How does the State eligible agency for AEFLA funds use the Local Board review of the AEFLA applications?*

A. The State eligible agency must consider the results of the review by the Local Workforce Development Board in determining the extent to which the application addresses alignment with Local Plans, as described in 34 CFR 463.20 (34 CFR 463.21(c)). The review of AEFLA applications is considered by the eligible agency in the scoring of the application. An eligible agency must consider the 13 elements under Section 231(e) in making awards, including the extent to which the eligible agency demonstrates alignment between the proposed activities and services and the strategies and goals of the Local Plans under Section 108.

Q. *What is the role of the Local Workforce Development Board in conducting this review of AEFLA applications?*

A. Local Boards must review local AEFLA applications that are submitted to the State eligible agency by eligible providers under AEFLA (Section 232 of WIOA) to determine whether the applications are consistent with the Local Plan. The Local Board must make recommendations to the State eligible agency, in accordance with the agency's procedure, to promote alignment with the Local Plan. This is further described WIOA Section 107(d)(11) and in 20 CFR 679.370(n).

Q. *What happens if timelines for approval of Local Plans are not conducive to the established deadline of July 1, 2017 for AEFLA awards?*

A. Some local areas may not have approved Local Plans in place to comply with the Local Board review of the AEFLA application. If the State eligible agency determines that it cannot issue AEFLA awards to eligible providers by July 1, 2017 because approved Local Plans will not be available, the eligible agency should contact Karla.VerBryckBlock@ed.gov to discuss and request an extension to conduct its required local AEFLA competition.

Q. ***What about single area States? How do these requirements apply to them?***

A. In single area States, the State Plan should serve the same purpose as the Local Plan in regard to its role in the AEFLA competitions. In addition, the State Board in single area States must carry out the functions of the Local Board (WIOA Section 107(c)(4)(A)) to review AEFLA applications and make recommendations to the State eligible agency awarding those funds.

Q. ***Where can I find more information about AEFLA competitions and Local Plans and Local Board role?***

A. The Department of Education has communicated the process for requesting an extension to the State eligible agencies. See Program Memorandum/OCTAE 15-6, <https://www2.ed.gov/about/offices/list/ovae/program-memo-15-6-state-competitions.pdf>, published on December 8, 2015, and Program Memorandum/OCTAE 17-1, <http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-17-1.pdf>, published on October 18, 2016, which further explain the competition requirements.