



U.S. Department of Education
Workforce Innovation and Opportunity Act
Publication of Notices of Proposed Rulemaking
Frequently Asked Questions

Published April 29, 2015

1. What is a Notice of Proposed Rulemaking (NPRM)?

A Notice of Proposed Rulemaking is the document an agency publishes in the **Federal Register** that describes, and solicits public comments on, proposed regulations. Under the Administrative Procedure Act (5 U.S.C. 553(b)), a NPRM must include (at a minimum): a statement of the time, place, and nature of the public rulemaking proceeding; a reference to the legal authority under which the rule is proposed; and either the terms or substance of the proposed rule or a description of the subjects and issues involved.

2. How do I submit comments on the NPRM?

You may submit comments on the NPRM by using one of the following methods:

- For the Joint NPRM, please use docket number ETA-2015-0002 and submit comments by one of the following methods:
 - o Federal e-Rulemaking Portal: www.regulations.gov. Follow the Web site instructions for submitting comments.
 - o Mail and hand delivery/courier: written comments, disk, and CD-ROM submissions may be mailed to Adele Gagliardi, Administrator, Office, NW, Room N-5641, Washington, D.C. 20210.
- For the Adult Education and Family Literacy Act NPRM, please use docket number ED-2015-OCTAE-0003, or Regulatory Information Number (RIN) 1830-AA22, and submit comments by one of the following methods:
 - o Federal e-Rulemaking Portal: www.regulations.gov. Follow the Web site instructions for submitting comments.
 - o Mail and hand delivery/courier: Written comments, disk, and CD-ROM submissions may be mailed to Lekesha Campbell, U.S. Department of Education, 400 Maryland Avenue SW., Room 11-008, Potomac Center Plaza (PCP), Washington, DC 20202-7240.
- For the State Vocational Rehabilitation Services program, State Supported Employment Services program, Limitations on Use of Subminimum Wages NPRM, please use docket number ED-2015-OSERS-0001, or Regulatory Information Number (RIN) 1820-AB70; and
- For the Workforce Innovation and Opportunity Act, Miscellaneous Program Changes (other Rehabilitation Act programs administered by the U.S. Department of Education (ED)), please use docket number ED-2015-OSERS-0002, or Regulatory Information Number (RIN) 1820-AB71, and submit comments by one of the following methods:
 - o Federal e-Rulemaking Portal: regulations.gov. Follow the Web site instructions for submitting comments.
 - o Mail and hand delivery/courier: Written comments, disk, and

CD-ROM submissions may be mailed to Janet LaBreck, U.S. Department of Education, 400 Maryland Avenue SW., Room 5086 Potomac Center Plaza (PCP), Washington, DC 20202-2800.

3. Is there a deadline for submitting comments?

Yes. ED must receive all NPRM comments on or before June 15, 2015.

4. How do I find the NPRM in www.regulations.gov?

There are several ways. To explore the options, go to www.regulations.gov/#!help

One method is to go to your internet browser and type: www.regulations.gov

Then, in the "Search" field type the Regulation Identifier Number (RIN) or the docket number

- For the Joint NPRM, use docket number ETA-2015-0002
- For the Adult Education and Family Literacy Act NPRM, go to: RIN 1830-AA22
- For the Rehabilitation Act NPRMs, go to: RIN 1820-AB70 and 1820-AB71

Then, click the "Search" button or hit "Enter" on your keyboard. This will trigger a site search for relevant content.

On the Search Results page, the documents that are related to your search will be displayed.

5. How do I submit a comment?

As described on the regulation.gov help page:

- a. Find a document of interest.
- b. Click a "Comment Now!" button on the Search Results page. You will be taken to the Comment Form, "Your Information" screen.
- c. Enter your comment. If you want to attach any files, click the "Choose file(s)" button. Be sure to complete any contact information fields that are required. Once you have completed this information click the "Continue" button.
- d. Now you will see the "Your Preview" screen. This shows you how your comment will appear on Regulations.gov. Any contact information you provide that will appear on Regulations.gov is indicated as well as the information that will not appear. Once you have reviewed the information, you can either edit your comment further by clicking the "Edit" button at the bottom of the screen or submit your comment.
- e. If you click the "Edit" button you will return to the "Your Information" screen, where you can modify the information you provided.
- f. When you decide to submit your comment, you must first agree to the disclaimer and check the box. This will enable the "Submit Comment" button.
- g. Once you have submitted your comment, "Your Receipt" is viewable. Be sure to save your comment tracking number in case you want to find your comment (i.e., Public Submission) once it is made viewable on Regulations.gov. Additionally, you can receive an emailed copy of your comment receipt by entering your email address in the field and clicking the "Email Receipt" button. When you have successfully emailed the comment receipt you will see the message "Your email receipt was sent successfully."
- h. Check your inbox to ensure that you received your comment receipt.

6. How many proposed rules are there and what do they cover?

There are five NPRMs, as follows:

- **Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provision** -- This rule, jointly proposed by the U.S. Departments of Labor and Education (DOL and ED), would strengthen the alignment of the workforce development system's six core programs administered by DOL and ED, by imposing requirements related to unified strategic planning at the state level, common performance accountability measures, and the one-stop delivery system.
- **Workforce Innovation and Opportunity Act** -- This rule, proposed by DOL, would implement changes to the adult, dislocated worker and youth formula programs; the state and local workforce development boards; the designation of regions and local areas; local plans; the one-stop system; national programs, including Job Corps, YouthBuild, Indian and Native American programs; and Migrant and Seasonal Farmworker programs. The proposed rules also would implement changes related to employment services and workforce and labor market information systems and would require the Secretary of Labor to establish a Workforce Information Advisory Council.
- **Adult Education and Family Literacy Act (AEFLA)** -- This rule, proposed by ED's Office of Career, Technical, and Adult Education, would implement changes to programs authorized under AEFLA, which is contained in title II of WIOA.
- **State Vocational Rehabilitation Services program; State Supported Employment Services program; Limitations on Use of Subminimum Wage** -- This rule, proposed by ED's Office of Special Education and Rehabilitative Services, would implement changes to the Rehabilitation Act of 1973, which are contained in title IV of WIOA, including changes to the State Vocational Rehabilitation Services program and the State Supported Employment Services program, as well as provisions in new Section 511 related to the Limitations on the Use of Subminimum Wages.
- **Workforce Innovation and Opportunity Act, Miscellaneous Program Changes** -- This rule, proposed by ED's Office of Special Education and Rehabilitative Services, would implement changes to the other Rehabilitation Act programs administered by ED, including Client Assistance, American Indian Vocational Rehabilitation Services, Protection and Advocacy of Individual Rights, Independent Living Services for Older Individuals Who Are Blind programs, and the discretionary grant programs authorized under title III of the Rehabilitation Act.

7. Why are DOL and ED proposing a new joint rule?

DOL and ED are issuing a joint NPRM to comply with the statutory requirement to develop regulations implementing WIOA, including jointly-administered activities related to unified planning, performance accountability, and the one-stop system. Developing and issuing all five WIOA NPRMs, including the joint NPRM, in a coordinated manner reinforces WIOA's heightened emphasis on collaboration to ensure an integrated and seamless service delivery system for job seekers and employers.

8. What are the key provisions of the joint NPRM?

Through the joint NPRM, DOL and ED propose to implement a number of improvements that WIOA makes to the public workforce system. Specifically, the proposed rule would:

- Ensure that Federal education, employment, and training services are coordinated and complementary by requiring a single, four-year Unified State Plan for achieving the workforce goals of the State. Additionally, States may include, along with the core programs, collaborative

- planning with other Federal education and training programs specified in WIOA (generally, the One-Stop partners that are in addition to the core programs) to develop Combined State Plans;
- Ensure that Federal investments in education, employment, and training programs are evidence-based, data-driven, and accountable to participants and taxpayers by establishing a common performance accountability system for the core programs and requiring other authorized programs to report on the common performance indicators; and
 - Enhance services provided to all job seekers and employers through the American Job Center system by: requiring the co-location of Wagner-Peyser Employment Services; adding the Temporary Assistance for Needy Families as a required partner; providing for State-established certification to facilitate high-quality American Job Centers; requiring partners to dedicate funding for allowable infrastructure and other shared costs; and promoting the development of integrated intake, case management, and reporting systems.

9. What are the key provisions of the ED NPRMs?

For Rehabilitation Act programs:

- Makes significant improvements for individuals with disabilities, especially those with significant disabilities and youth with disabilities transitioning from education to employment
 - Places emphasis on the achievement of competitive integrated employment through customized employment, supported employment, and individualized services
- Enhances services for individuals with the most significant disabilities, including youth with the most significant disabilities, to achieve competitive integrated employment
- Strengthens alignment between Vocational Rehabilitation, special education, and employers
- Adds new provisions related to limitations on the use of subminimum wages

For Adult Education and Family Literacy Act:

- Strengthens alignment between adult education, postsecondary education, and employers
 - WIOA recognizes that the core purpose of adult education is to prepare underserved youth and adults with the skills and knowledge to succeed in the 21st century economy
- Supports new activities such as integrated education and training, workforce preparation activities, and Integrated English Literacy and Civics Education
- Makes investments in correctional education by increasing the percent of funding States can use for correctional education from 10 percent to 20 percent and supporting a range of activities with the goal of reducing recidivism
- Supports investments in high-quality programs and innovative and promising models

10. Where can I find more information about the NPRMs for WIOA?

- The Department of Education's Rehabilitation Services Administration - [WIOA Resource Page](#)
- The Department of Education's Office of Career, Technical, and Adult Education - [WIOA Resource Page](#)
- The Department of Labor's Employment and Training Assistance – [WIOA Resource Page](#)