

**Workforce Innovation and Opportunity Act
Frequently Asked Questions
September 2014**

Q1. What effect will reauthorization have on the maintenance of effort (MOE) provisions?

Under the new law, the MOE provisions are similar to the provisions under the Workforce Investment Act (WIA) of 1998. As written in the Workforce Innovation and Opportunity Act (WIOA), in order to determine whether a State has maintained effort, Section 241(b) of AEFLA requires the Department to determine that the “fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.”

Q2. Will States continue to have 27 months to spend Federal funds under the Tydings Amendment?

The Tydings Amendment is a provision under the General Education Provisions Act, which allows grantees up to 27 months to obligate appropriated funds. WIOA has no effect on the Tydings period and States will continue to have 27 months to spend funds.

For additional information on the use of carryover funds awarded under AEFLA, Title II of the WIA, please see the link to the program memorandum issued by the Department, available at:

<http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/program-memo-tydings-amendment.pdf>.

Q3. What effect does WIOA have on incentive awards for States that have exceeded its performance targets?

WIOA eliminates incentive awards for States that exceed their state adjusted levels of performance. Performance levels that were negotiated for Program Year (PY) 2013-14 under WIA remain in effect and States that exceed those levels will be eligible to receive incentive awards in the spring of 2015. These awards are made with Fiscal Year 2013 WIA funds.

Q4. When will states be required to compete AEFLA funds under the WIOA?

The Secretary of Education has authority to ensure an orderly transition from WIA to WIOA. The issue of when a State must compete funds under the new rules contained in WIOA is under consideration and the Department will issue guidance on whether states will be required to compete local grants in PY 2015 or PY 2016.

Q5. What is the relationship of adult education and literacy activities to the State Workforce Development Board?

WIOA promotes alignment and coordination of core programs, in which adult education and literacy activities are included. The law streamlines and strengthens the strategic role of the State Workforce Development Board by reducing the size of the board, including representation from core programs, and gives the board new responsibilities to assist the State in achieving its strategic vision and goals. The State board is responsible for the development and implementation of the State plan, working with the Governor to align workforce development programs in the State, and developing strategies to meet the needs of jobseekers and employers.

Q6. Does the new law change the eligibility requirements for individuals served under AEFLA?

While the purposes of AEFLA have been expanded under the WIOA, the new law makes no changes in the eligibility requirements. Individuals eligible to receive services must still be at least 16 years of age and not enrolled or required to be enrolled in secondary school under State law. Additionally, an eligible individual must meet at least one of the following criteria: 1) be basic skills deficient, 2) not have a high school diploma or its equivalent, or 3) be an English language learner.

Q7. WIOA adds a new definition of “workforce preparation” that includes “digital literacy.” How is digital literacy defined?

For purposes of the WIOA, the term “digital literacy skills” is defined consistent with the definition contained in the Museum and Library Services Act of 2010, which means “the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.” (Pub. L. 111-340, 22 Dec. 2010)

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