

# Workforce Innovation and Opportunity Act (WIOA) Regulations and Definitions

## Adult Education and Literacy Activities

### §463.30 What are adult education and literacy programs, activities, and services?

The term “adult education and literacy activities” means programs, activities, and services that include:

- a. Adult education,
- b. Literacy,
- c. Workplace adult education and literacy activities,
- d. Family literacy activities,
- e. English language acquisition activities,
- f. Integrated English literacy and civics education (IEL/Civics),
- g. Workforce preparation activities, or
- h. Integrated education and training (IET).

## Definitions

### **BASIC SKILLS DEFICIENT**

The term “basic skills deficient” means, with respect to an individual—

(A) who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or

(B) who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society.

### **CAREER PATHWAY**

The term “career pathway” means a combination of rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an “apprenticeship”, except in section 171);

(C) includes counseling to support an individual in achieving the individual’s education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

## **CONCURRENT ENROLLMENT OR CO-ENROLLMENT**

Refers to enrollment by an eligible individual in two or more of the six core programs administered under the Act.

## **CORRECTIONAL INSTITUTION**

The term “correctional institution” means any—

(A) prison;

(B) jail;

(C) reformatory;

(D) work farm;

(E) detention center; or

(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.

## **CRIMINAL OFFENDER**

The term “criminal offender” means any individual who is charged with or convicted of any criminal offense.

## **DIGITAL LITERACY**

Means the skills associated with using technology to enable users to find, evaluate, organize, create, and communicate information.

## **ELIGIBLE INDIVIDUAL**

The term “eligible individual” means an individual—

(A) who has attained 16 years of age (17 years in Minnesota due to compulsory age of attendance in K-12, according to state statute);

(B) who is not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) is basic skills deficient;

(ii) does not have a secondary school diploma or its recognized equivalent, and has not achieved an equivalent level of education; or

(iii) is an English language learner.

## ENGLISH LANGUAGE ACQUISITION

### §463.31 What is an English language acquisition program? [Page 181]

The term “English language acquisition program” means a program of instruction—

- a. That is designed to help eligible individuals who are English language learners achieve competence in reading, writing, speaking, and comprehension of the English language; and
- b. That leads to--
  - (i)(1) Attainment of a secondary school diploma or its recognized equivalent; and
  - (2) Transition to postsecondary education and training; or
  - (ii) Employment.

### §463.32 How does a program that is intended to be an English language acquisition program meet the requirement that the program leads to attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education and training or leads to employment?

To meet the requirement in §463.31(b) a program of instruction must:

- a. Have implemented State adult education content standards that are aligned with State-adopted challenging academic content standards, as adopted under the Elementary and Secondary Education Act of 1965, as amended (ESEA) as described in the State’s Unified or Combined State Plan and as evidenced by the use of a State or local curriculum, lesson plans, or instructional materials that are aligned with the State adult education content standards; or
- b. Offer educational and career counseling services that assist an eligible individual to transition to postsecondary education or employment; or
- c. Be part of a career pathway.

## ESSENTIAL COMPONENTS OF READING

The term “essential components of reading instruction” means explicit and systematic instruction in—

- (A) phonemic awareness;
- (B) phonics;
- (C) vocabulary development;
- (D) reading fluency, including oral reading skills; and
- (E) reading comprehension strategies. [Every Student Succeeds Act](#), SEC. 9215 (c), p. 365.

## INDIVIDUAL WITH A BARRIER TO EMPLOYMENT

The term “individual with a barrier to employment” means a member of 1 or more of the following populations:

- (A) Displaced homemakers.
- (B) Low-income individuals.
- (C) Indians, Alaska Natives, and Native Hawaiians, as such terms are defined in section 166.
- (D) Individuals with disabilities, including youth who are individuals with disabilities.
- (E) Older individuals.
- (F) Ex-offenders.
- (G) Homeless individuals (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))).

- (H) Youth who are in or have aged out of the foster care system.
- (I) Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
- (J) Eligible migrant and seasonal farmworkers, as defined in section 167(i).
- (K) Individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).
- (L) Single parents (including single pregnant women).
- (M) Long-term unemployed individuals.
- (N) Such other groups as the Governor involved determines to have barriers to employment.

## **INTEGRATED EDUCATION AND TRAINING**

The term “integrated education and training” means 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**

The term “integrated English literacy and civics education” means education services provided to English language learners who are adults, including professionals with degrees and credentials in their native countries, that enables 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 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.

## **PEER TUTORING**

Means an instructional model that utilizes one institutionalized individual to assist in providing or enhancing learning opportunities for other institutionalized individuals. A peer tutoring program must be structured and overseen by educators who assist with training and supervising tutors, setting educational goals, establishing an individualized plan of instruction, and monitoring progress.

## **RE-ENTRY AND POST-RELEASE SERVICES**

Means services provided to a formerly incarcerated individual upon or shortly after release from a correctional institution that are designed to promote successful adjustment to the community and prevent recidivism. Examples include education, employment services, substance abuse treatment, housing support, mental and physical health care, and family reunification services.

## **TRAINING SERVICES**

Training services may include—

- (i) occupational skills training, including training for nontraditional employment;
- (ii) on-the-job training;
- (iii) incumbent worker training in accordance with subsection (d)(4);

- (iv) programs that combine workplace training with related instruction, which may include cooperative education programs;
- (v) training programs operated by the private sector;
- (vi) skill upgrading and retraining;
- (vii) entrepreneurial training;
- (viii) transitional jobs in accordance with sub-section (d)(5);
- (ix) job readiness training provided in combination with services described in any of clauses (i) through (viii);
- (x) adult education and literacy activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with services described in any of clauses (i) through (vii); and
- (xi) customized training conducted with a commitment by an employer or group of employers to employ.

## **WORKFORCE PREPARATION**

### §463.34 What are workforce preparation activities?

Workforce preparation activities include activities, programs, or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in:

- a. Utilizing resources;
- b. Using information;
- c. Working with others;
- d. Understanding systems;
- e. Skills necessary for successful transition into and completion of postsecondary education or training, or employment; and
- f. Other employability skills that increase an individual's preparation for the workforce.

## **Additional Federal Guidance for ABE Programs in Corrections**

### §463.60 What are programs for corrections education and the education of other institutionalized individuals?

(a) Authorized under section 225 of the Act, programs for corrections education and the education of other institutionalized individuals require each eligible agency to carry out corrections education and education for other institutionalized individuals using funds provided under section 222 of the Act.

(b) The funds described in subsection (a) must be used for the cost of educational programs for criminal offenders in correctional institutions and other institutionalized individuals, including academic programs for—

- (1) Adult education and literacy activities;
- (2) Special education, as determined by the eligible agency;
- (3) Secondary school credit;
- (4) Integrated education and training;
- (5) Career pathways;

- (6) Concurrent enrollment;
- (7) Peer tutoring; and
- (8) Transition to re-entry initiatives and other post-release-services with the goal of reducing recidivism.

§463.61 How does the eligible agency award funds to eligible providers under the program for Corrections Education and Education of other Institutionalized Individuals?

(a) States may award up to 20 percent of the 82.5 percent of the funds made available by the Secretary for local grants and contracts under section 231 of the Act for programs for corrections education and the education of other institutionalized individuals.

(b) The State must make awards to eligible providers in accordance with subpart C.

§463.62 What is the priority for programs that receive funding through programs for Corrections Education and Education of other Institutionalized Individuals?

Each eligible agency using funds provided under Programs for Corrections Education and Education of Other Institutionalized Individuals to carry out a program for criminal offenders within a correctional institution must give priority to programs serving individuals who are likely to leave the correctional institution within five years of participation in the program.

§463.63 How may funds under programs for Corrections Education and Education of other Institutionalized Individuals be used to support transition to re-entry initiatives and other post release services with the goal of reducing recidivism?

Funds under Programs for Corrections Education and the Education of Other Institutionalized Individuals may be used to support educational programs for transition to reentry initiatives and other post-release services with the goal of reducing recidivism. Such use of funds may include educational counseling or case work to support incarcerated individuals' transition to re-entry and other post-release services. Examples include assisting incarcerated individuals to develop plans for post-release education program participation, assisting students in identifying and applying for participation in post-release programs, and performing direct outreach to community-based program providers on behalf of re-entering students. Such funds may not be used for costs for participation in post-release programs or services.