



JUN 30 2016

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building
2300 Lincoln Blvd., Rm. 212
Oklahoma City, OK 73105



Dear Governor Fallin:

After careful review, the U.S. Departments of Labor and Education (Departments) are pleased to inform you that we have determined that Oklahoma's four-year Workforce Innovation and Opportunity Act (WIOA) Unified State Plan (Unified State Plan or State Plan), submitted on March 31, 2016, and updated on June 13, 2016, is substantially approvable. Therefore, the Departments have approved your Unified State Plan, which covers the period July 1, 2016 through June 30, 2020, subject to conditions discussed below. Although the Departments have approved the four-year plan, you must submit a State Plan modification in 2018, as required by section 102(c)(3)(A) of WIOA.

WIOA represents a fundamental transformation of the workforce system to deliver integrated, job-driven services to job seekers, workers, and employers. It supports the development of strong regional economies, and it improves performance accountability so that consumers and investors can get information about programs and services that work. The Departments are encouraged by the progress that Oklahoma has made to implement and operationalize WIOA. We look forward to working with you to continue this important work to strengthen your current plan to continue to take the workforce system to a new level of innovation.

The Departments approved your Unified State Plan, subject to conditions, after reviewing it in light of the requirements contained in section 102 of WIOA and the WIOA State Plan Information Collection Request (State Plan ICR or ICR), Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act. This decision constitutes a written determination that covers the joint planning elements, or "common elements," as well as the program-specific requirements for the six core programs: the Adult, Dislocated Worker, and Youth programs authorized under title I of WIOA and administered by the Department of Labor; the Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA and administered by the Department of Education; the Employment Service program authorized under the Wagner-Peyser Act (Wagner-Peyser), as amended by title III of WIOA and administered by the Department of Labor; and the Vocational Rehabilitation program, authorized under title I of the Rehabilitation Act of 1973, as amended by title IV of WIOA, and administered by the Department of Education.

The Departments have approved the State Plan subject to conditions because there are a number of deficiencies set forth in Attachment A to this letter that must be remedied. No later than September 1, 2016, Oklahoma must correct the deficiencies identified in Attachment A that can be fully remedied by that date by submitting revised State Plan descriptions that comply with statutory and ICR requirements to the portal at <https://rsa.ed.gov/>. We expect that by September 1, 2016, States will make maximum efforts to correct the deficiencies that can be corrected by that date. However, we recognize that some deficiencies will take longer to remedy. For those deficiencies identified in Attachment A that cannot be remedied by September 1, 2016, Oklahoma must provide the Departments with an action plan for correcting each of those deficiencies to WIOA.Plan@dol.gov. Oklahoma must include in its action plan the specific steps that will be taken to remedy the deficiencies, benchmarks that will be used to monitor progress, and the timeline for correcting each of the remaining deficiencies. Your acceptance of any funds pursuant to this approval with conditions constitutes your agreement to remedy each of the deficiencies identified in Attachment A to the satisfaction of the Departments, and the Notices of Obligation and Grant Award Notifications used to award Oklahoma's funds will include this condition.

The Departments recognize the unique challenges States faced in developing the initial State Plan required by WIOA, particularly given that: the State Plan requirements under WIOA are substantially different from those required by the Workforce Investment Act of 1998 (WIA); the State Plan information collection request was published on February 22, 2016; and the final regulations are not expected to be publicly available until late June. As such, the Departments are exercising the transition authority provided by section 503 of WIOA to develop a process that ensures the orderly transition from the requirements of WIA to those of WIOA and its strategic vision. As part of this process, however, it is critical that Oklahoma work to address the deficiencies in the State Plan in the manner described above and to the satisfaction of the Departments. In the case of those deficiencies that require a longer period for Oklahoma to address, the Departments will monitor Oklahoma's progress to ensure that the State Plan fully reflects WIOA's planning requirements. If Oklahoma fails to make progress in remedying the deficiencies in the State Plan, the Departments may take enforcement actions that are available to them, and Oklahoma's funding could be affected.

Finally, per the Departments' State Plan ICR, the State Plan included expected levels of performance for certain primary indicators of performance. Those indicators are the basis for negotiations that the Departments and Oklahoma use to establish negotiated levels of performance, which are incorporated into the approved Unified State Plan and will apply for the first two years.

For the WIOA Adult, Dislocated Worker, Youth, and Wagner-Peyser programs, the Department of Labor is using transition authority in WIOA sec. 503(a) to extend the negotiation period for those indicators past June 30, 2016; negotiations are to conclude no later than August 15, 2016. For the AEFLA program, the Department of Education will complete negotiations by June 30, 2016. For the Vocational Rehabilitation program, the Department of Education is using the transition authority to take the time necessary to implement a negotiation process for the first

time for this program, and the program, therefore, will not have negotiated indicators of performance for the first two years of this Plan. For all WIOA core programs, all primary indicators of performance that are not subject to negotiations are designated as baseline indicators for these two years. For those indicators not subject to negotiations, the State was not required to include expected levels of performance in the State Plan.

The Departments will provide ongoing technical assistance to help Oklahoma realize the vision of WIOA. Following the release of the final regulations, the Departments will provide training on the final regulations and issue additional guidance. The Departments' staff will work with you and your agencies and staff to address important qualitative issues in the initial State Plan that are not listed on the attachment because they do not rise to the level of non-compliance, in order to help Oklahoma better position itself to submit a 2018 State Plan modification that reflects its significant experience in implementing WIOA, and articulates the integration and innovations it has undertaken. In other words, the Departments anticipate that the 2018 State Plan modification will be a key step in demonstrating the workforce system transformation envisioned by WIOA.

We appreciate your efforts in submitting this Unified State Plan and commitment to working together with other States and the Departments to support the public workforce system. We look forward to working with you to ensure that the revisions are submitted in a timely manner. If you have any questions, please contact Nicholas Lalpui, Employment and Training Administration, Dallas Regional Administrator, (972) 850-4600 and email: lalpui.nicholas@dol.gov.

Sincerely,



Portia Wu
Assistant Secretary
Employment and Training Administration



Johan E. Uvin
Deputy Assistant Secretary
Delegated the Duties of the Assistant Secretary for Career, Technical, and Adult Education



Sue Swenson
Acting Assistant Secretary
Office of Special Education and Rehabilitative Services



Janet LaBreck
Commissioner
Rehabilitation Services Administration

Attachment

cc:

Nicholas Lalpui, Regional Administrator
Natalie Shirley, State Workforce Agency
Richard McPherson, State Workforce Agency
Jared Bates, State Adult Education Agency
Noel Tyler, Department of Rehabilitation Services
Joseph Doney, Federal Panel Lead

ATTACHMENT A

Oklahoma Unified State Plan Deficiencies

Following is an itemized list of the Oklahoma Unified State Plan sections that the Departments determined were deficient, including a summary of the reason for the deficiency. Oklahoma must submit revisions for these items in its State Plan or describe its action plan for addressing them no later than September 1, 2016, as described in the Departments' decision letter. The Departments will provide technical assistance to assist Oklahoma in making the required revisions to its State Plan. Items below reflect the corresponding requirement in the State Plan ICR.

Common Elements

- II.a.1.A — Economic Analysis. The State provided adequate responses in this section. However, all content required to respond to this element must be included in the Plan that is submitted through the portal, rather than provided through a hyperlink.
- II.a.2.A — The State's Workforce Development Activities. The State provided adequate responses in this section. However, any content required to respond to this element must be included in the Plan that is submitted through the portal, rather than provided through a hyperlink.
- II.a.2.B — The Strengths and Weaknesses of Workforce Development Activities. The State's response lacked adequate detail in its analysis of the strengths and weaknesses of the workforce development activities.
- II.a.2.C — State Workforce Development Capacity. The State provided an analysis of the capacity of State entities to provide the workforce development activities. However, it did not address the alignment and connecting of partners and resources to provide workforce development activities.
- II.b.3 — Performance Goals. The State must provide expected levels of performance relating to the performance accountability system's primary indicators of performance described in section 116(b)(2)(A) of WIOA and section II.b.3 of the ICR.
- II.c.2 — State Strategy (Alignment of Core Programs). The State did not address how it is aligning the core programs to strengthen workforce development activities in regard to weaknesses identified in section II.a.2 of the Plan.
- III.a.2.B — Alignment with Activities outside the Plan. The State's response did not adequately describe how the activities identified by the State in section II.a.2.A of the Plan will be aligned with programs and activities provided by required one-stop partners and other optional one-stop partners, thereby assuring coordination and non-duplication among these activities.

- III.a.2.C — Coordination, Alignment and Provision of Services to Individuals. The State provided a response to this element; however, it did not describe how the entities carrying out the respective core programs and required and optional one-stop partner programs will coordinate activities and resources to provide comprehensive, high-quality, customer-centered services, including supportive services to individuals including those populations identified in section II.a.1.B of the Plan.
- III.a.2.D — Coordination, Alignment and Provision of Services to Employers. The State provided a response to this element; however, it did not address how the State will coordinate activities and resources to provide comprehensive, high-quality services to employers to meet their current and projected workforce needs.
- III.a.2.F — Partner Engagement with Other Education and Training Providers. The State's response lacked adequate detail in its description of how the State's strategies will engage the State's other education and training providers, including providers on the State's eligible training provider list, as partners in the workforce development system to create a job-driven education and training system.
- III.a.2.G — Leveraging Resources to Increase Educational Access. The State's response did not adequately describe its strategies that will enable the State to leverage other Federal, State, and local investments to increase access to workforce development programs to the educational institutions described in section III.a.2.E of the Plan.
- III.a.2.I — Coordinating with Economic Development Strategies. The State's response did not adequately describe how the activities identified in section III.a.2.A of the Plan will be coordinated with economic development entities, strategies, and activities in the State.
- III.b.2 — State Operating Systems and Policies (Policies). The State's response did not adequately describe its policies that will support the implementation of the State's strategies, including co-enrollment policies and universal intake processes where appropriate. The State must describe its process for developing guidelines for State-administered one-stop partner programs' contributions to a one-stop delivery system, including benchmarks, and its guidance to assist local boards, chief elected officials, and local one-stop partners in determining equitable and stable methods of funding infrastructure in accordance with section 121(h)(1)(B) of WIOA.
- III.b.3.A — State Program and State Board Overview (State Agency Organization). The State's response lacked adequate detail in its description of the organization and delivery systems at the State and local levels for the programs covered in the Plan, including the organizational structure.
- III.b.3.B.i — Membership Roster. The State provided a membership roster for the State Board; however, it did not meet requirements for appointing labor representatives. Additionally, any content required to respond to this element must be included in the Plan that is submitted through the portal, rather than provided through a hyperlink.

- III.b.4.A — Assessment of Core Programs. The State described how the core programs will be assessed each year based on State performance accountability measures described in section 116(b) of WIOA. However, the State also must describe an assessment that includes the quality, effectiveness, and improvement of programs broken down by local area or provider. The State also must clarify or explain acronyms for specific State programs.
- III.b.4.B — Assessment of One-Stop Partner Programs. The State provided a response to this element; however, it did not address how other one-stop delivery system partner programs' services will be assessed each year. Such state assessments must take into account local and regional planning goals.
- III.b.5.A.ii — Distribution of Funds for Title I Adult and Training Activities. The State's response did not adequately describe the methods and factors the State will use in distributing funds under the core programs in accordance with the provisions authorizing such distributions for Adult employment and training activities in accordance with WIOA section 133(b)(2) or (b)(3).
- III.b.5.A.iii — Distribution of Funds for Dislocated Worker Employment and Training Activities. The State's response did not adequately describe the methods and factors the State will use in distributing funds under the core programs in accordance with the provisions authorizing such distributions for Dislocated Worker employment and training activities in accordance with WIOA section 133(b)(2) and based on data and weights assigned.
- III.b.6.B — Assessment of Participants' Post-Program Success. The State's response did not adequately describe how lead State agencies will use the workforce development system to assess the progress of participants who are exiting from core programs in entering, persisting in, and completing postsecondary education, or entering or remaining in employment.
- III.b.6.D — Privacy Safeguards. The State's response did not adequately describe the privacy safeguards incorporated in the State's workforce development system, including safeguards required by section 444 of the General Education Provisions Act (20 U.S.C. § 1232g) and other applicable Federal laws, as well as the UI data security agreements.
- III.b.7 — Priority of Service for Veterans. The State did not adequately describe how the State will implement and monitor the priority of service provisions for veterans in accordance with the requirements of the Jobs for Veterans Act, codified at 38 U.S.C. § 4215, which applies to all employment and training programs funded in whole or in part by the Department of Labor. The State also must describe the referral process for veterans determined to have a significant barrier to employment to receive services from the Jobs for Veterans State Grants (JVSG) program's Disabled Veterans' Outreach Program (DVOP) specialist.

- III.b.9 — Addressing the Accessibility of the One-Stop Delivery System for English Language Learners. The State provided a response to this element; however, it did not describe how the one-stop delivery system (including one-stop center operators and the one-stop delivery system partners) will ensure that each one-stop center is able to meet the needs of English language learners, such as through established procedures, staff training, resources, and other materials.

Title I

- VI.a.1.A — Identify the regions and the local workforce development areas designated in the State. The State provided a response to this element; however, the State's response contains conflicting information regarding the number of local boards which must be clarified.
- VI.a.1.D — Provide the appeals process referred to in section 121(h)(2)(E) of WIOA relating to determinations for infrastructure funding. The State provided a response to this element; however, the State did not provide the appeals process referred to in section 121(h)(2)(E) of WIOA relating to determinations for infrastructure funding.
- VI.a.2.A — Provide State policies or guidance for the statewide workforce development system and for use of State funds for workforce investment activities. The State provided a response to this element; however, the State did not provide State policies or guidance for the statewide workforce development system and for use of State funds for workforce investment activities.
- VI.a.2.B — Describe how the State intends to use Governor's set aside funding. Describe how the State will utilize Rapid Response funds to respond to layoffs and plant closings and coordinate services to quickly aid companies and their affected workers. The State provided a response to this element; however, the State did not describe any layoff aversion strategies the State has implemented.
- VI.a.2.C — In addition, describe the State policies and procedures to provide Rapid Responses in cases of natural disasters including coordination with FEMA and other entities. The State provided a response to this element; however, the State did not describe its policies and procedures to provide Rapid Responses in cases of natural disasters including coordination with FEMA and other entities.
- VI.b.1 — Work-Based Training Models. The State provided a response to this element; however, the State did not include information on strategies for Registered Apprenticeship and Transitional Jobs.
- VI.b.5 — Describe the State's criteria regarding local area transfer of funds between the adult and dislocated worker programs. The State provided a response to this element; however, the State did not describe the State's criteria regarding local area transfer of funds between the adult and dislocated worker programs.

- VI.c.2 — Describe the strategies the State will use to achieve improved outcomes for out-of-school youth as described in 129(a)(1)(B), including how it will leverage and align the core programs, and Combined State Plan partner programs included in this Plan, required and optional one-stop partner programs, and any other resources available. The State provided a response to this element; however, the State must describe strategies the State will use to achieve improved outcomes for out-of-school youth as described in 129(a)(1)(B), including how it will leverage and align the core programs, required, optional one-stop partner programs, and any other resources available.
- VI.c.3 — Describe how the State will ensure that all 14 program elements described in WIOA section 129(c)(2) are made available and effectively implemented. The State provided a response to this element; however, the State did not describe how the State will ensure that all 14 program elements described in WIOA section 129(c)(2) are made available and effectively implemented.

Wagner-Peyser

- VI.a.2 — Describe strategies developed to support training and awareness across core programs and the Unemployment Insurance program, and the training provided for Employment Services (ES) and WIOA staff on identification of UI eligibility issues and referral to UI staff for adjudication. The State's response did not describe strategies developed to provide training for Employment Services and WIOA staff on identification of UI eligibility issues and referral to UI staff for adjudication.
- VI.b — Explain how the State will provide information and meaningful assistance to individuals requesting assistance in filing a claim for unemployment compensation through one-stop centers, as required by WIOA as a career service. The State's response did not explain how the State will provide information and meaningful assistance to individuals requesting assistance in filing a claim for unemployment compensation through one-stop centers, as required by WIOA as a career service.
- VI.d.4 — Provision of referrals to and application assistance for training and education programs and resources (this element is specific to UI claimants). The State's response did not address the provision of referrals to and application assistance for training and education programs and resources.
- VI.e.1.B — An assessment of the unique needs of farmworkers means summarizing Migrant and Seasonal Farm Worker (MSFW) characteristics (including if they are predominantly from certain countries, what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers). The State's response did not include an assessment of the unique needs of farmworkers, meaning summarizing Migrant and Seasonal Farm Worker (MSFW) characteristics (i.e., what language(s) they speak, the approximate number of MSFWs in the State during peak season and during low season, and whether they tend to be migrant, seasonal, or year-round farmworkers).

- VI.e.2 — Outreach Activities. The State did not describe the specific technical assistance or professional development activities State merit staff outreach workers will receive to ensure provision of high quality services to jobseekers and employers. The State’s response did not address increasing outreach worker training and awareness across core programs including the UI program and the training on identification of UI eligibility issues.
- VI.e.3 — Services provided to farmworkers and agricultural employers through the one-stop delivery system. The State’s response did not describe its strategies for providing the full range of employment and training services to the agricultural community, both farmworkers and agricultural employers, through the one-stop delivery system. In addition, the State’s response did not address marketing the Agricultural Recruitment System to agricultural employers and how it intends to improve such publicity.
- VI.e.4 — Other Requirements. The State’s response did not provide a data assessment that reviews the previous four years’ Wagner-Peyser data reports on performance. The State’s response did not note whether the State has been meeting its goals to provide MSFWs quantitatively proportionate services as compared to non-MSFWs and if it has not met these goals, why the State believes such goals were not met and how the State intends to improve its provision of services in order to meet such goals. In addition, the State’s response did not include an explanation of what was achieved based on the previous Agricultural Outreach Plan (AOP), what was not achieved and an explanation as to why the State believes the goals were not achieved, and how the State intends to remedy the gaps of achievement in the coming year.

Adult Education and Family Literacy Act Program

- VI.b — Local Activities. The activities listed in the Plan are not consistent with those listed in section 203 of WIOA. The State must address, at a minimum, the scope, content, and organization of local activities.
- VI.c — Corrections Education and other Education of Institutionalized Individuals. The State did not describe how it will carry out the following required activities consistent with section 225 of WIOA: (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 in a way that is consistent with WIOA.
- VI.d.1 — Integrated English Literacy and Civics Education Program (IELCE) (establish and operate). The Plan did not adequately describe how the State will establish IELCE programs that provide educational services consisting of literacy and English language acquisition integrated with civics education that includes instruction on the rights and responsibilities of citizenship and civic participation.

- VI.d.2 — Integrated English Literacy and Civics Education Program (funding). The Plan did not address the activities that will be funded with section 243 funds.
- VI.e.1 — State Leadership. The Plan did not indicate how the State will use section 223 funds to support required activities under sections 223(a)(1)(A), 223(a)(1)(B), 223(a)(1)(C) and 223(a)(1)(D) of WIOA.
- VI.f — Assessing Quality. The Plan did not: (1) sufficiently describe how the State will assess the quality of its local programs; (2) sufficiently describe how the State will use assessments (evaluations) to improve the quality of such programs; and (3) include a description of how it will assess the quality of its professional development programs designed to improve: (a) instruction in the essential components of reading instruction, (b) instruction related to the specific needs of adult learners, (c) instruction provided by volunteers or paid personnel, and (d) dissemination of information about models and promising practices.

Appendix 1. — Performance Goals for the Core Programs

- Table 1. — Employment (Second Quarter after Exit). The State must add expected levels of performance for PY 2017 for the Adult, Dislocated Worker, Youth, and Wagner-Peyser Employment Service programs. The State also must add an expected level of performance for PY 2016 for the Wagner-Peyser/Employment Service program.
- Table 2. — Employment (Fourth Quarter after Exit). The State must add expected levels of performance for PY 2017 for the Adult, Dislocated Worker, Youth, and Wagner-Peyser Employment Service programs. The State also must add an expected level of performance for PY 2016 for the Wagner-Peyser Employment Service program.
- Table 3. — Median Earnings (Second Quarter after Exit). The State must add expected levels of performance for PY 2017 for the Adult, Dislocated Worker, Youth, and Wagner-Peyser Employment Service programs. The State also must add an expected level of performance for PY 2016 for the Wagner-Peyser/Employment Service program.
- Table 4. — Credential Attainment Rate. The State must add expected levels of performance for PY 2016 and 2017 for the Credential Attainment Rate indicator for the Adult, Dislocated Worker, and Youth programs.
- Table 5. — Measurable Skill Gains. The State must identify expected levels of performance for each of the primary indicators of performance for the first two years covered by the Plan. The State must add PY 2016 and 2017 Negotiated and Adjusted Levels of performance for the Measurable Skill Gains indicator for the AEFLA program.