

1996

# Consolidated and Reformed Workforce Development and Literacy Act (1976): Report 08

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**PERFORMANCE ACCOUNTABILITY SYSTEM**

## SEC. \_\_\_\_ . PERFORMANCE ACCOUNTABILITY SYSTEM.

(a) IN GENERAL.--In order to promote high levels of performance and to ensure an appropriate return on the Nation's investment in the workforce development system, each State receiving funds under this Act shall implement a statewide performance accountability system that meets the requirements of this section.

## (b) INDICATORS OF PERFORMANCE.--

(1) IN GENERAL.--Each State receiving funds under this Act shall identify indicators [Note: Senate uses "benchmarks" in lieu of "indicators" throughout section] of performance for each of the programs established under this Act that are consistent with State goals as described in the State plan in accordance with section \_\_\_\_ . Such indicators shall, at a minimum, include the core indicators described in subsection (f), and be expressed in an objective, quantifiable, and measurable form. Such indicators may also include post-program surveys measuring the satisfaction of both employers and program participants.

(2) TECHNICAL DEFINITIONS OF CORE INDICATORS.--In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, in collaboration with the States and with representatives of business and industry, employees, educational agencies,

service providers, and other interested parties, shall promulgate definitions of each of the core indicators described in subsection (f), to be used under this Act in measuring performance.

(c) LEVELS OF PERFORMANCE.--

(1) EXPECTED LEVELS.--

(A) NEGOTIATION.--Prior to approval of the State plan, the appropriate Secretary shall negotiate with each State the levels of performance expected to be achieved by such State with respect to the core indicators described in subsection (f), taking into account--

(i) whether the levels will enable each State to attain the State goals;

(ii) how the levels compare with the levels established by other States;

(iii) how the levels compare with the model levels identified pursuant to paragraph (2)(A);  
and

(iv) such other factors as may ensure an appropriate return on the investment of Federal funds.

(B) APPLICATION TO LOCAL AREAS AND ENTITIES.--Based on the expected levels of performance established pursuant to subparagraph (A), each State shall identify the level of performance that is expected for local

workforce development areas and for other local administrative entities under this Act. In determining such levels, the Governor or eligible entity as defined in section ( ), in collaboration with local agencies, may adjust the expected level of performance with respect to each local area or entity taking into account specific economic, demographic, and geographic factors, and the characteristics of the population to be served.

(2) CHALLENGING LEVELS OF PERFORMANCE.--

(A) MODEL LEVELS.--In order to encourage high levels of performance and advance the Nation's competitiveness in the global economy, the Secretary of Labor and the Secretary of Education, in collaboration with the States and with representatives of business and industry, employees, educational agencies, service providers, and other interested parties, shall identify challenging levels of performance with respect to the core indicators described in subsection (f).

(B) NEGOTIATION.--Prior to approval of the State plan, the appropriate Secretary shall negotiate with each State challenging levels of performance which, if achieved, would qualify such States for incentive grants under section \_\_\_\_\_. Such levels shall take into account--

(i) how the levels compare with the model levels

established pursuant to subparagraph (A);

(ii) the extent to which such levels would demonstrate continuous improvement in performance by such State and exceed the expected levels established in paragraph (1);

(iii) the extent to which such State successfully served the special populations identified in subsection (f)(3); and

(iv) such other factors as may demonstrate exceptional performance by the State.

(d) REPORT ON PERFORMANCE.--

(1) IN GENERAL.--The State shall report, as required by the Secretaries, the levels of performance achieved by the State and by each local workforce development area and each other local administrative entity with respect to the indicators identified pursuant to subsection (b)(1) for each program year. The Secretaries shall make such information available to the general public through publication and other appropriate methods, and shall disseminate State-by-State comparisons, and comparisons with other industrialized nations (where appropriate).

(2) JOB PLACEMENT VERIFICATION SYSTEM.--

(A) IN GENERAL.--In order to verify data relating to the employment indicators described in subsection (f), each State shall establish a job placement verification system. Such system shall match relevant participant

information with quarterly wage records available through the unemployment insurance system to verify employment and earnings information.

(B) PROVISION OF INFORMATION.--Each local entity that carries out workforce employment activities, or workforce education activities and that receives funds under this title shall provide such information as the State may require to carry out the verification activities described in subparagraph (A).

(C) CONFIDENTIALITY.--Information obtained through the job placement verification system shall be protected by the State from unlawful access and be made available for use solely by public officials or their agents in the administration of this Act. Personal identifiers produced pursuant to subparagraph (B) shall be used solely for the purpose of computer matching under this section and shall not be used for any other purpose or redisclosed for other purposes.

(e) CONSEQUENCES FOR POOR PERFORMANCE.--

(1) STATE CONSEQUENCES.--If a State fails to meet expected levels of performance for a program for any program year as established pursuant to subsection (c)(1)(A), the appropriate Secretary shall provide technical assistance, which may include assistance in the development of a performance improvement plan. If such failure continues for a second consecutive year, the appropriate Secretary may

reduce, by not more than 5 percent, the amount of the grant that would (in the absence of this paragraph) be payable to the State under such program for the immediately succeeding program year. The Secretaries shall establish uniform criteria for determining whether a State fails to meet expected levels of performance and the appropriate reductions in the grants. The Secretaries may use funds withheld under this paragraph to provide, through alternative arrangements, services and activities within the State that meet the purpose of the Act.

(2) LOCAL CONSEQUENCES.--(A) If a local workforce development area or other local administrative entity fails to meet expected levels of performance for a program for any program year established pursuant to subsection (c)(1)(B), the Governor or the eligible entity as defined by section ( ), shall provide technical assistance, which may include the development of a performance improvement plan.

(B) If such failure continues for a second consecutive year, the Governor or the eligible entity as defined by section \_\_\_ may take corrective actions, such as the withholding of funds, the redesignation of a local administrative entity, or such other actions as the Governor or such eligible entity determines are appropriate, consistent with State law, and the requirements of this Act.

(f) CORE INDICATORS OF PERFORMANCE.--

(1) CORE INDICATORS FOR WORKFORCE EMPLOYMENT.--The core indicators of performance for workforce employment programs conducted under this Act shall include:

- (A) placement in unsubsidized employment;
- (B) retention in unsubsidized employment for not less than 6 months and for not less than 12 months, respectively;
- (C) increases in earnings, or in earnings in combination with employer-assisted benefits;
- (D) attainment of industry-recognized occupational skills, including basic workplace competencies and industry-recognized skill standards, which may include the acquisition of a skill certificate in the occupation for which the individual has been prepared;
- (E) attainment of a high school diploma or a general equivalency diploma; and
- (F) such other measures of performance that the State may wish to collect.

(2) CORE INDICATORS FOR WORKFORCE EDUCATION.--The core indicators of performance for workforce education programs conducted under this Act shall include:

- (A) Student mastery of academic knowledge;
- (B) Student mastery of work readiness, occupational, and industry-recognized skills for students in career preparation programs;
- (C) Placement in, retention in, and completion of



secondary education (as determined under State law) and postsecondary education, and placement and retention in employment and in military service; and

(D) Mastery of the literacy, knowledge, and skills, including English acquisition, adults need to be productive and responsible citizens and for parents to become more actively involved in the education of their children.

(3) ADDITIONAL CORE INDICATORS FOR SPECIAL POPULATIONS.--

In addition to the core indicators described in paragraphs (1) and (2), the core indicators of performance for programs conducted under this Act shall include measures of the success in achieving State goals for special populations, including dislocated workers, economically disadvantaged individuals, at-risk youth, individuals with disabilities, displaced homemakers, welfare recipients, and individuals who are basic skills deficient.

## SEC. \_\_\_\_ . MANAGEMENT INFORMATION SYSTEMS.

Each State is authorized to use a portion of funds it receives under this Act to operate a management information system in accordance with guidelines established jointly by the Secretaries in consultation with the Governors and eligible entities as defined in section ( ). Such guidelines shall include elements that promote the efficient collection and use of management information for reporting and monitoring the use of funds and the performance of programs conducted under this Act, including information relating to demographic characteristics of participants, and ensure appropriate privacy protections.