



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

**PROGRAM MEMORANDUM OCTAE 17-7**

**DATE:** September 12, 2017

**TO:** State Directors of Adult Education

**FROM:** Kim R. Ford /s/  
Deputy Assistant Secretary,  
Delegated the Duties of the Assistant Secretary

**RE:** WIOA Annual Performance Report Submission

**Purpose**

The U.S. Departments of Labor (DOL) and Education (ED) (collectively, Departments) are exercising their transition authority under section 503(a) of the Workforce Innovation and Opportunity Act (WIOA) to inform States that the Departments will consider Program Year (PY) 2016 WIOA Statewide and Local Performance Reports (form ETA-9169) submitted by October 16, 2017, as being timely. For all subsequent PYs, States must submit the WIOA Statewide and Local Performance Report by October 1 to be considered timely, pursuant to the “Workforce Innovation and Opportunity Act (WIOA) Performance Accountability, Information and Reporting System” information collection request (ICR) (WIOA Joint Performance ICR).

The WIOA Joint Performance ICR, approved under OMB Control Number 1205-0526, contains the performance accountability reporting requirements for the core programs identified in WIOA and authorized under:

- WIOA title I and administered by DOL;
- the Adult Education and Family Literacy Act (AEFLA) program, authorized under WIOA title II and administered by ED;
- the Employment Service program authorized under the Wagner-Peyser Act, as amended by WIOA title III and administered by DOL; and
- the Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973, as amended by WIOA title IV and administered by ED.

**References**

- Workforce Innovation and Opportunity Act, Pub. L. 113-128

[www.ed.gov](http://www.ed.gov)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

*Our mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

- Workforce Innovation and Opportunity Act Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions, 81 Fed. Reg. 55791 (Aug. 19, 2016)

## **Background**

Section 116(d)(2) of WIOA requires each State to submit a State Performance Report annually. Consistent with the WIOA Joint Performance ICR, the due date for this report is October 1 of each year. If October 1 falls on a weekend or holiday, the report will be due on the next business day. As required by section 116(d) of WIOA, the report covers performance data from July 1 to June 30, of the current program year and the three preceding years. The Departments note that some State grantees have indicated that they may have challenges meeting the October 1 due date for the PY 2016 performance report because this will be the first performance report submitted under the new requirements of WIOA. Therefore, the Departments are exercising their transition authority under section 503(a) of WIOA to consider PY 2016 performance reports submitted by October 16, 2017, as timely. The Departments have decided that this one-time action is necessary to ensure a smooth transition from the reporting requirements of the Workforce Investment Act of 1998 (WIA) to those under WIOA.

Each State must submit all WIOA performance reports, including: (1) the annual statewide reports; (2) as applicable, the local area performance reports; and (3) if available, links to the Eligible Training Provider reports, to its respective Federal agency for the core programs as follows:

- for titles I and III, the report must be submitted to DOL's Employment and Training Administration, through the Workforce Integrated Performance System;
- for title II, the report must be submitted to the ED's Office of Career, Technical, and Adult Education (OCTAE); and
- for title IV, the report must be submitted to the ED's Rehabilitation Services Administration.

## **Sanction Provisions**

In accordance with section 116(f)(1)(B) of WIOA, for any State that fails to report by the due date, the Governor's reserve authorized under section 128 of WIOA will be reduced by 5 percent. However, the Departments are exercising their transition authority under section 503(a) of WIOA and will not be imposing sanctions for those States that are not able to submit a complete report by October 16, 2017, for the PY 2016 annual report because this will be the first performance report submitted under the new requirements of WIOA. The Departments' use of the transition authority with respect to the imposition of sanctions for States that fail to submit a complete report by October 16, 2017, does not mean that States do not have to submit the performance reports. Rather, the Departments' use of the transition authority ensures a smooth transition from the performance reporting requirements under WIA to those under WIOA.

## **Inquiries**

Questions concerning this program memorandum may be directed to [NRS@ed.gov](mailto:NRS@ed.gov) or your OCTAE area coordinator.