

TRAINING AND EMPLOYMENT NOTICE	NO. 29-23
	DATE May 6, 2024

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: JOSÉ JAVIER RODRÍGUEZ /s/
Assistant Secretary

SUBJECT: Evaluation Requirements and Flexibilities for States under Title I of the Workforce Innovation and Opportunity Act (WIOA)

1. **Purpose.** To clarify existing requirements and flexibilities for states in conducting evaluations (as a form of research) pursuant to the regulations at [20 CFR 682.220](#), consistent with WIOA Sections 116(e), 129, 134, 168, 169; [29 U.S.C. 3141(e), 3164, 3174, 3223, 3224].
2. **Action Requested.** The Employment and Training Administration (ETA) requests that state workforce agencies review this notice and revise, as needed, planning and operations for conducting and reporting on evaluations.
3. **Summary and Background.**
 - a. Summary – This notice affirms and summarizes the following: the role and purposes of “evaluation” under the regulations at 20 CFR 682.220 as a form of research; requirements and options for states in conducting evaluations; reporting requirements; expectations regarding state level coordination; and cooperation in federal evaluations. The notice also provides information on technical assistance resources for states regarding evaluation methods and completed studies.
 - b. Background – States are required to conduct evaluations under the regulations at 20 CFR 682.220, and to identify evaluation activities in their WIOA State Plans and annual performance reports. However, the Employment and Training Administration (ETA) in the U.S. Department of Labor (the Department) found that in some state plans and annual performance reports there appeared to be different interpretations as to what constitutes an evaluation, thus indicating a need for additional information and clarification. The need for such clarification is also supported by findings from a study of WIOA implementation (commissioned by the Department’s Chief Evaluation

**EMPLOYMENT AND TRAINING ADMINISTRATION
U.S. DEPARTMENT OF LABOR
WASHINGTON, D.C. 20210**

Office), which documented that some state administrators were unclear as to evaluation requirements and were awaiting further information on them.¹

This notice is thus intended to clarify the existing requirements under the regulation, but also to highlight options for states to utilize when designing studies. States' research could, for example, identify key aspects of various services [such as those discussed in Training and Employment Guidance Letter ([TEGL 21-22](#))²] or operational factors that lead to higher employment and earnings for participants, including those with significant barriers to employment or from marginalized or underserved groups. Further, states might potentially conduct evaluations using new data sources (such as those in longitudinal databases developed under Workforce Data Quality Initiative³) or use new analytical and statistical methods, for which training has been provided to states by ETA.⁴

Overall, this notice is intended to support the engagement of the workforce system in evaluations as a form of research, related to efforts to build and nurture “a culture of evidence”⁵ as articulated in Office of Management and Budget (OMB) guidance for federal agencies regarding the Foundations of Evidence in Policy-Making Act of 2018. In building a culture of evidence through evaluations, States, as well as local boards and practitioners, may be able to identify new and more effective approaches to delivering services in a state, as well as adding to the larger body of evidence on what works for customers with different preferences and needs.

4. Definition, Requirements, Flexibilities, and Technical Assistance for State Evaluations under 20 CFR 682.220. Under the regulation states are required to “conduct evaluations of activities under the WIOA title I core programs in order to promote continuous improvement, research, test innovative services and strategies, and achieve high levels of performance and outcomes,”⁶ consistent with the following:

- a. **Definition:** State evaluations under 20 CFR 682.220 are a form of **research** like evaluations that the Department conducts under WIOA Section 169,⁷ and are

¹ Mack, M. and Dunham, K., *Implementation Study of the Workforce Innovation and Opportunity Act (WIOA). Performance Accountability, Eligible Training Providers, Labor Market Information, and Evaluation Requirements*, Mathematica Policy Research, November 2020, pp. xvi and 32; found at: [Performance Accountability, Eligible Training Providers, Labor Market Information, and Evaluation Requirements \(dol.gov\)](#)

² See [TEGL 21-22: Increasing Equitable Service Access and Employment Outcomes for all Jobseekers in WIOA Adult and Dislocated Worker Programs](#) dated June 9, 2023

³ Funding for these grants has been authorized by Congress over multiple years, since 2010. For more information, see: [Workforce Data Quality Initiative \(WDQI\) | U.S. Department of Labor \(dol.gov\)](#)

⁴ Examples of such training include sessions in 2023 on Data Analytics and for the “Aligned Case Management Institute” offered by ETA in collaboration with the National Association of State Workforce Agency’s Workforce Information Technology Support Center (WITSC.)

⁵ As required for DOL and other Federal evaluations, per Office of Management and Budget (OMB), M-21-27 Memorandum, on *Evidence-Based Policymaking: Learning Agendas and Annual Evaluation Plans*, p. 2, <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-27.pdf>

⁶ 20 CFR 682.220(a), *As required by § 682.200(d), States must use funds reserved by the Governor for statewide activities to conduct evaluations of activities under the WIOA title I core programs to promote continuous improvement, research and test innovative services and strategies, and achieve high levels of performance and outcomes.*

⁷ 20 CFR 682.220(b)(4), *To the extent feasible, be coordinated with the evaluations provided for by the Secretary of Labor and the Secretary of Education under WIOA sec. 169 (regarding title I programs and other employment-related programs), WIOA sec. 242(c)(2)(D) (regarding adult education), sec. 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a) (5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 et seq.)), and the investigations by the Secretary of Labor under sec. 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).*

characterized, per OMB’s guidance, by the use of “...systematic data collection and analysis of one or more programs, policies, and organizations...”⁸ to find answers to questions related to “effectiveness and efficiency.”

State evaluations, as a form of research, are distinct from other management, oversight, and data functions that are required under WIOA title I, such as performance assessment and accountability functions, monitoring or certification of local programs, and routine labor market information collection and reports (under the Wagner-Peyser Act, as amended by WIOA title III). However, evaluation research can involve use of the data that arise from those other management responsibilities, as demonstrated in several state studies.⁹ Also, findings and observations from such management functions may in turn stimulate questions and topics to explore in greater depth through evaluation research.

- b. **Focus:** Evaluations conducted under the regulation must concern activities under WIOA title I core programs, i.e., the Adult, Dislocated Worker, and Youth programs, either alone or in conjunction with services under other programs.¹⁰
- c. **Requirements and Flexibilities for States’ Evaluations:** Evaluation as a form of research presents States with an opportunity for finding answers to critical questions of interest – answers that are not available from other forms of data collection and oversight – to improve relevant outcomes for the programs and customers’ experience and satisfaction. Evaluation research related to title I core programs is driven by the concerns and interests of states and does not have to follow a pre-determined approach or specific topics (except for evaluations of Pay for Performance contract strategies¹¹).

However, the regulations identify several data sources that states must use “*when appropriate*” such as “analysis of customer feedback and outcome and process measures in the statewide workforce development system,”¹² as well as use of “the most rigorous analytical and statistical methods *that are reasonably feasible*, such as the use of control groups.”¹³ ETA expects states to consider use of such data sources and methods in their evaluation projects, but if states find those data sources are not appropriate or the use of rigorous methods is not reasonably feasible, states have a broad range of options as to topics covered (relevant to title I core programs), types of evaluations, methods, data sources, phases or components, and overall duration, as discussed in the regulations and in the examples below. (Information on evaluation types, data sources and methods can be found in the [Evaluation Toolkit: Key Elements for State Workforce Agencies](#) and in various resources identified in Attachment III).

⁸ *Supra*, Note 5, quoting the definition of “evaluation” in 5 U.S.C. 311(3), as amended by sec. 101 of Public Law 115-435, the Foundations for Evidence-Based Policymaking Act of 2018.

⁹ See examples: [A Process Evaluation of the Integration of Title I and Title II in New Jersey](#) and [Performance and Equity in Colorado’s WIOA Programs A Sequential Mixed-Methods](#). Both studies used data collected under WIOA core programs.

¹⁰ 20 CFR 682.220(a) and 20 CFR 682.220(e)(1).

¹¹ See page 14 of [TEGL 8-20, Pay for Performance \(PFP\) Guidance for WIOA title I, subtitle B](#), dated December 7, 2020. Evaluations of the design and performance of WIOA Pay-for-Performance (PFP) contract strategies are required under 20 CFR 683.540(c)(2) and must conform to requirements under 20 CFR 682.220 and this notice.

¹² 20 CFR 682.220(b)(2).

¹³ 20 CFR 682.220(b)(3).

- i. **Types of Studies, Data, and Methods:** There are multiple types of evaluation studies that states may undertake, including, as per the regulation: “process and outcome studies, studies of pilot and demonstration projects that have an evaluative component, analyses of administrative and programmatic data, impact and benefit-cost analyses, and use of rigorous designs to test the efficacy of various interventions.”¹⁴ These types of evaluations are similar to those conducted by the Department, under WIOA section 169, which also include other types of studies, such as formative, implementation, and “rapid cycle” evaluations, all of which can also be undertaken by states.

The type of study and its design typically determine the types of data and methods used to analyze the data. States have many options as to data types, which can be quantitative or qualitative, arise from administrative and other existing sources, or be collected specifically for an evaluation. These last might include, for example, data from individual or focus group interviews, surveys, document reviews, observations during site visits, or from various reporting systems or databases, including, for example, economic or geo-spatial data.

There are also multiple methods that can be used in analyzing quantitative and qualitative data, including a broad array of statistical approaches or new forms of analysis associated with processing qualitative data.

- ii. **Topics:** States have wide latitude as to the topics and scope (including geographical scope) of their evaluations, which can include but are not limited to the following:
- Participants and participant groups, and their characteristics, needs, and views,
 - Service receipt, and outcomes, as well as key features of services, individually or collectively, regarding all types of interventions (such as career guidance, training, supportive services, or employer engagement),
 - Business services and employer perspectives,
 - Existing services, and new or innovative services or program features relevant to title I programs, (including those conducted with discretionary grant funds),
 - Administrative or management functions,
 - Staffing features, practices, or professional development;
 - Costs and cost efficiency, and
 - Programs or services at the local, regional, or state level.

¹⁴ 20 CFR 682.220(e)(2).

- iii. **Phases, Components and Duration:** State evaluations can involve multiple phases, components, and activities which can include, but are not limited to, “a literature or evidence review, feasibility study, planning, research, coordination, design, data collection, analysis, and report preparation, clearance, and dissemination.”¹⁵ Research that addresses basic or foundational questions can be conducted, if it is part of a larger evaluation designed to promote program improvement, test new approaches, or lead to higher levels of performance and outcomes. Further, evaluation research projects can be conducted over multiple program years, though ETA expects states to complete evaluations as expeditiously as possible.
- d. **Evaluation Reports and their Dissemination:** States must annually prepare and submit reports to State and Local Workforce Development Boards containing the results of their evaluation research, as available, and the State must make those reports available to the public, including by electronic means, such as state workforce agency or state board websites.¹⁶

Evaluation projects sometimes involve creation of multiple products, such as interim and final reports, briefs, or practice guides, all of which should be provided to boards and the public. ETA expects states to disseminate all such products and reports in the year they are each completed, over the course of all evaluation projects, including those of long duration.

States are also encouraged to disseminate findings through multiple means, including webinars, social media, and live presentations, to promote awareness of the studies, and lead to utilization of these findings, if warranted, in state policy and practices at the local level.

- e. **Identifying Evaluation Activities in the State Plan and the Annual Performance Report Narrative:** States must provide information regarding evaluation efforts for title I core programs in two different WIOA-required documents, as discussed below.
 - i. **Unified or Combined State Plan.** Each State’s plan, as per [TEGL 4-23](#) and the updated version of the elements required in the plans (found at [WIOA State Plan Requirements](#))¹⁷ must describe

¹⁵ 20 CFR 682.220(e)(3).

¹⁶ 20 CFR 682.220(c).

¹⁷ See: [Required Elements for Submission of the Unified or Combined State Plan and Plan Modifications under the Workforce Innovation and Opportunity Act, Program Years 2024-2027](#), dated October 31, 2023. This material can also be found at [OMB Control # 1205-0522](#), approved through March 31, 2026

Under III(b)(4)(C):

- How the state will conduct evaluations and research projects of activities carried out in the State under WIOA core programs;
- How such projects will be coordinated with, and designed in conjunction with, State and local boards and with State agencies responsible for the administration of all respective core programs; and, further,
- How the projects will be coordinated with the evaluations provided for by the Secretary of Labor and the Secretary of Education under WIOA, and

Under VI(a)(2)(B):

- How the state intends to use Governor's set-aside funding for mandatory and discretionary activities, including how the state will conduct evaluations of title I Adult, Dislocated Worker, and Youth activities.

ii. **Annual Performance Report Narrative.** States must also include, in the narrative section of the annual performance report, per [TEGL 5-18](#),¹⁸ brief descriptions of:

- Current or planned evaluation and related research projects, including methodologies used;
- Efforts to coordinate the development of such projects with WIOA core programs, other state agencies and local boards;
- A list of completed evaluations, related reports, and links to where they were made accessible to the public electronically;
- State efforts to provide data, survey responses, and timely site visits for federal evaluations; and
- Any continuous improvement strategies utilizing results from studies and evidence-based practices evaluated.

[**Note:** As per [TEGL No. 08-20](#)¹⁹ States are required to conduct evaluations of the design and performance of Pay for Performance (PFP) contract strategies, when such contract strategies exist in a state. Such evaluations must comply with the evaluation provisions in 20 CFR 682.220, as discussed in this notice, and for that reason, information on the PFP evaluations should be included in the section of the narrative report on evaluations and cover the items listed above (as relevant). States must also submit information on PFP projects for the Annual Performance Report on the ETA-9174 form, which requires discussion of the research questions addressed by the evaluation(s) and the challenges in evaluating the PFP contract strategies.²⁰]

¹⁸ See: [TEGL 5-18, Workforce Innovation and Opportunity Act \(WIOA\) Annual Statewide Performance Report Narrative](#), dated November 7, 2018.

¹⁹ See: page 14 of [TEGL 8-20, Pay for Performance \(PFP\) Guidance for WIOA title I, subtitle B](#), dated December 7, 2020

²⁰ *Ibid*, page 12.

- f. **Funding Requirements and Options:** Conducting evaluations of title I core program activities is a required statewide activity and must entail use of at least a small amount of funds from the state set-aside. However, ETA recognized that states must balance priorities in their spending of those funds and identified areas for flexibility in 20 CFR 682.220(f)²¹ for states to find or combine funding from other sources. Options regarding funding sources include the following:
- i. Collaborating with state agencies administering other WIOA title II-IV core programs, to participate in a joint evaluation, as determined through the coordination processes required with those programs; and
 - ii. Using public or private sources, consistent with federal and state law, regulations, and guidance, from other grants, cooperative agreements, or contracts (including for evaluations), whether from the Department, other Federal or state agencies, and philanthropic organizations or foundations;

States may also seek to minimize costs related to evaluations. Examples of such cost-saving measures that states utilized in the past are discussed below (though states may use other approaches):

- i. If participating in a federal evaluation relating to a title I core program, a state may engage with the federal contractor and, under a separate contract, provide small amounts of funds to generate an analysis and report containing results related to the state;
- ii. Partnering with other agencies in the state, to create a centralized capacity to evaluate multiple programs and house various data sets, an approach taken in several states, as identified in a study on state evaluation capacity, conducted by the National Association of State Workforce Agency (NASWA)²² or partnering with the relevant state agency in conducting an evaluation of title I services provided to individuals who were identified under Reemployment Services and Eligibility Assessments (RESEA) grants; or
- iii. Partnering with workforce agencies in other States to jointly fund a multistate study, using a common design and data collection methods, but generating separate analyses and a report for each State.

²¹ 20 CFR 682.220(f), *In funding evaluations conducted under paragraph (a) of this section, States are permitted, but not required to: (1) Use funds from any WIOA title I–IV core program to conduct evaluations, as determined through the processes associated with paragraph (b)(1) of this section; and (2) Use or combine funds, consistent with Federal and State law, regulation and guidance, from other public or private sources, to conduct evaluations relating to activities under the WIOA title I–IV core programs. Such projects may include those funded by the Department of Labor and other Federal agencies, among other sources.*

²² See: [TEN No. 42-16](#) and [ETA Research Reports: Evidence-Building Capacity in State Workforce Agencies - 2017](#).

- g. **Coordination with Workforce Development Boards and Other State Agencies:** One of the major reforms under WIOA is a strengthened emphasis on coordination and partnership. That emphasis extends to state evaluations, which are required to be coordinated with and designed in conjunction with:
- i. State and Local Workforce Development Boards, and
 - ii. State agencies responsible for the administration of the core programs under the other titles of WIOA (i.e., the Employment Service, Adult Education and Family Literacy, and Vocational Rehabilitation programs).²³

Although the nature of coordination regarding evaluations is not defined in the regulations or statute, ETA expects SWAs to undertake reasonable efforts to coordinate with boards and state agencies. These efforts might involve, for example, informing State and local boards about plans to conduct evaluations and providing opportunities for meaningful input into possible topics and the design of such studies. Local boards may also be offered opportunities to allow new approaches to be tested in their local area, and asked to assure that data is properly collected and provided for state or federal studies. SWAs are also permitted to coordinate evaluation activities with other agencies at the state or local level, such as those administering Unemployment Insurance; tribal governments and organizations serving American Indians; Temporary Assistance for Needy Families; the Supplemental Nutrition Assistance Program; and career and technical education programs. Such agencies might be partners in conducting studies of title I core programs in conjunction with other programs.

- h. **Coordination with Federal Evaluations:** State agencies are required, to the extent feasible, to conduct evaluations in coordination with those conducted by the Department and the U.S. Department of Education (ED) regarding programs under WIOA.²⁴ As with state-level coordination, the meaning of “coordination” with those federal evaluations is not defined in the statute or regulation, but ETA expects states to make a reasonable effort to coordinate with such evaluations in two ways:

²³ 20 CFR 682.220(b)(1), *Be coordinated with and designed in conjunction with State and Local WDBs and with State agencies responsible for the administration of all core programs.*

²⁴ 20 CFR 682.220(b)(4), *To the extent feasible, be coordinated with the evaluations provided for by the Secretary of Labor and the Secretary of Education under WIOA sec. 169 (29 U.S.C. 3224) (regarding title I programs and other employment-related programs), WIOA sec. 242(c)(2)(D) (29.U.S.C. 3332(c)(2)(D)) (regarding adult education), sec. 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 et seq.)), and the investigations provided by the Secretary of Labor under sec. 10(b) of the Wagner-Peyser Act (29 U.S.C. 49i(b)).*

- i. Exploring the active and historical evaluations conducted by the Department²⁵ and ED related to workforce programs and services delivered under all titles of WIOA. States may also want to become familiar with relevant evaluations conducted by other federal agencies, such as the U.S. Department of Health and Human Services or by the ED's Institute of Education Sciences (as noted in Attachment III); and
- ii. Becoming familiar with the Department's Evaluation Policy (see Attachment II and at [U.S. Department of Labor Evaluation Policy](#)). The policy identifies the principles of rigor, relevance, transparency, independence, and ethics (in human subject protections). States are strongly encouraged to follow similar principles to ensure their evaluations will have valid and reliable data, are widely available, and protect the privacy of individuals who are the subjects of research.

i. Providing Data for Federal Evaluations: States are also required to cooperate,²⁶ to the extent practicable, in evaluations and research conducted by the Department and ED related to employment and training programs, adult education and literacy, and Vocational Rehabilitation.²⁷ Cooperation in such federal evaluations involves timely provision of:

- i. Data, in accordance with the Department's established privacy protections,
- ii. Responses to surveys,
- iii. Dates and scheduling of site visits, and
- iv. Data and survey responses from local sub-grantees and state and local boards, and assistance with conduct of site visits involving sub-grantees and local boards.²⁸

States are required to assume responsibility for promoting data provision by local subgrantees, due to the States' role in monitoring and oversight of local boards and local one-stop systems. State workforce agencies may also work with the state agencies responsible for local one-stop partner programs to promote those partners' timely provision of data, survey responses and site visits, should such data be needed for various federal evaluation and research projects.

As noted in the regulations,²⁹ if a state determines it is not feasible to cooperate in timely provision of data, the Governor must inform the Secretary in writing and explain the reasons why it is not practicable. In such circumstances, the state must cooperate with the Department in developing a plan or strategy to mitigate or overcome the problems preventing timely provision of data, survey responses, and site visits.

²⁵ Examples of reports from the Department's evaluations can be found at <https://www.dol.gov/agencies/oasp/evaluation/completedstudies>

²⁶ 20 CFR 682.220(d).

²⁷ Sec. 12(a)(5), 14, and 107 of the Rehabilitation Act of 1973 (29 U.S.C. 709(a)(5), 711, 727) (applied with respect to programs carried out under title I of that Act (29 U.S.C. 720 *et seq.*). The vast body of research related to vocational rehabilitation is now under the Administration of Community Living, in the U.S. Department of Health and Human Services (having been transferred under WIOA from the Education Department)

²⁸ 20 CFR 682.220(d)(1).

²⁹ 20 CFR 682.220(d)(3).

j. Technical Assistance and Dissemination: State agencies’ ability to conduct evaluations depends on many factors, including their institutional capacity and available funds. There is wide variation among States on these factors, as seen in the study conducted by NASWA cited above. A recent report from NASWA, “[Evidence Building Capacity in State Workforce Agencies: A COVID-19 Pulse Survey](#),”³⁰ identified technical assistance and training needs regarding advanced data analysis, research design and question formulation, report preparation, and communicating findings, among other needs.

To build the evaluation capacity of state agencies, ETA currently provides technical assistance through: 1) extensive on-line resources at the [Evaluation and Research Hub](#) in WorkforceGPS (ETA’s online technical assistance and training website) and 2) a series of on-line training sessions for state teams as part of the annual Evaluation Peer Learning Cohort (EvalPLC) project. The sessions cover different types of evaluations, how to find existing research studies and utilize them, planning and management activities related to conducting evaluations, and development of a “capstone” evaluation project.

ETA also disseminates information on findings from evaluation reports via webinars and quarterly *Research and Evaluation (R&E) Notes* as well as posting evaluation reports in two databases: the ETA Research Publications Database and the Workforce System Strategies database (also in the WorkforceGPS website). The Department’s Chief Evaluation Office also posts on its website completed evaluation reports and resources to inform evaluation methods and reports. These resources, along with a list of other federal agency databases, which provide information on research studies related to employment and training programs, can be found in Attachment III.

- 5. **Inquiries.** For further information, please direct inquiries to the appropriate ETA Regional Office.
- 6. **References.** See Attachment I.
- 7. **Attachment(s).**

Attachment I: References
Attachment II: U.S. Department of Labor Evaluation Policy
Attachment III: Selected Resources on Evaluation Methods and Evaluation Reports
 Relevant to WIOA title I Programs

³⁰ NASWA, *Evidence Building Capacity in State Workforce Agencies: A COVID-19 Pulse Survey*, <https://www.naswa.org/system/files/2021-03/evidencebuildingcapacityinstateworkforceagencies-acovid-19survey.pdf>.