

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the Workforce Investment Council to develop and update annually a Workforce Development System Expenditure Guide outlining all District government spending on workforce development and adult education across agencies, including programs and activities, funding, providers, and performance outcomes, and to require agencies that manage, administer, oversee, or fund workforce development or adult education programs to share such information with the Workforce Investment Council; and to amend the Workforce Investment Implementation Act of 2000 to include collecting and compiling information for the Workforce Development Expenditure Guide in the duties of the Workforce Investment Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Workforce Development System Transparency Amendment Act of 2018”.

TITLE I – CREATION OF A WORKFORCE DEVELOPMENT EXPENDITURE GUIDE.

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Adult education program” means a program, other than a program that is part of the conventional kindergarten through grade 12 educational system funded by the Uniform Per Student Funding Formula, that offers services or instruction below the college level for adults who:

- (A) Lack mastery of basic educational skills;
- (B) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or
- (C) Have limited ability in speaking, reading, writing, or understanding the English language.

(2) “Course of training” means the totality of services within a workforce development or adult education program designed to assist participants in obtaining a particular skill, scope of knowledge, or credential.

(3) “Funding vehicle” includes grants, contracts, and human care agreements.

(4) “Guide” means the Workforce Development Expenditure Guide.

(5) “Occupation” means the broad occupation code and associated title assigned to a particular category of work in the most recent edition of the Standard Occupational Classification Manual published by the U.S. Bureau of Labor Statistics.

(6) “Participant” means a person who participates or participated in a program, as defined by program rules established by the program’s administering or funding agency.

(7) “Personally identifiable information” means information that can be used to distinguish or trace an individual’s identity, such as the individual’s name, social security number, or biometric records, alone, or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth or mother’s maiden name.

(8) “Program” means each activity, sub-activity, pilot program, or project, including those funded through memoranda of understanding between agencies, that is managed, administered, overseen, or funded by a District agency. Where a District agency provides a service, a program is the most discrete unit of services in which an individual can participate. Where a provider receives District funding to provide a service, a program is the most discrete level at which a provider can apply for such funding.

(9) “Provider” means an organization that provides any service as part of a workforce development or adult education program with funding obtained from a District agency, including federal funding managed, administered, or overseen by a District agency.

(10) “Public charter school program” means a program provided by a District public charter school with funds from the Uniform Per Student Funding Formula.

(11) “Sector” means the category of the occupation for which an individual trained or prepared and includes the high-demand sectors identified by the Workforce Investment Council.

(12) “Service” includes post-secondary education, credential preparation, workforce training, work-readiness or job-readiness training, workforce preparation, occupational skills training, subsidized work experience, unsubsidized work experience, job search and job placement, case management, and assistance to employers regarding hiring or training.

(13) “Target population” means the individuals that a program is designed to serve, identified by reference to shared demographic characteristics such as age range, gender, or race, or status as English-language-learners, hard-to-serve individuals, individuals with a physical disability, or individuals with an intellectual or developmental disability.

(14) “WIC” means the Workforce Investment Council.

(15) “Workforce development program” means a program that provides any service that supports and increases the capacity of individuals to enter and remain a part of the labor market, excluding programs that are:

(A) Part of the conventional kindergarten through grade 12 educational system and funded by the Uniform Per Student Funding Formula;

(B) Four-year college degree programs or post bachelor’s degree programs; or

(C) Federally or locally funded scholarships for post-secondary, degree-granting, or credit-based programs.

Sec. 102. Workforce Development System Expenditure Guide.

(a) The WIC shall develop a Workforce Development System Expenditure Guide.

(b)(1) By February 1, 2019, and annually by February 1 thereafter, the WIC shall transmit the guide to the Council and post it online.

(2)(A) The WIC shall make the guide available in the form of a manipulable, non-image-based, digital spreadsheet to any interested party within 2 business days of receiving a request for the guide in such format.

(B) The WIC may present the guide publicly in other formats.

(C) The guide shall be organized primarily by programs, which shall be grouped by the agency that provides the largest portion of funding.

(c)(1) The guide shall present the information required pursuant to subsections (d) through (f) of this section for workforce development and adult education programs that the District manages, administers, oversees, or funds, in whole or in part, including programs funded with federal dollars.

(2) The first version of the guide, due February 1, 2019, and all subsequent versions of the guide, shall include information required by subsections (d) through (f) of this section for all workforce development and adult education programs managed, administered, overseen, or funded by the:

- (A) Department of Disability Services;
- (B) Department of Employment Services;
- (C) Department of Human Resources;
- (D) Department of Human Services;
- (E) Deputy Mayor for Greater Economic Opportunity;
- (F) Office of the State Superintendent of Education; and
- (G) WIC.

(3) The second version of the guide, due February 1, 2020, and all subsequent versions of the guide shall include information required by subsections (d) through (f) of this section for all workforce development and adult education programs managed, administered, overseen, or funded by the:

- (A) Child and Family Services Agency;
- (B) Department of Behavioral Health;
- (C) Department of Corrections;
- (D) Department of Energy and Environment;
- (E) Department of Public Works;
- (F) Department of Transportation;
- (G) Department of Youth Rehabilitation Services;
- (H) Deputy Mayor for Education;
- (I) District of Columbia Public Schools;

- (J) The Executive Office of the Mayor;
- (K) Office of Cable Television, Film, Music, and Entertainment;
- (L) Office of Latino Affairs;
- (M) University of the District of Columbia Community College; and
- (N) Any other District agency that manages, administers, oversees, or

funds workforce development or adult education programs.

(4) All versions of the guide shall include information on public charter school programs that is equivalent to the information delineated in subsections (d) through (f) of this section and that is publicly available. This information may include public information available from the Public Charter School Board, Office of the State Superintendent of Education, or Deputy Mayor for Education.

(d) For each program, the guide shall include the following information for the most recently completed program year:

- (1) The name of the program;
- (2) The name of the administering agency and the name of the funding agency, if different;
- (3) The division or program and activity names and numerical codes used to designate the program in the agency budget and financial plan prepared by the Chief Financial Officer;
- (4) A brief description of the program, which may include target populations, program length, educational or other eligibility requirements, or other information;
- (5) Information about funding sources and program costs, including:
 - (A) Amount of funding by revenue type (e.g., federal, local, or special purpose revenue);
 - (B) Federal grant name, if applicable;
 - (C) Funding vehicle type for programs that utilize providers;
 - (D) Portion of funding utilized for wage subsidies, if applicable; and
 - (E) Cost per participant;
- (6) List of services provided, and, for each service, whether it is delivered by providers or directly by a District agency;
- (7) Names of courses of training, where applicable;
- (8) The sectors and occupations for which the program is designed to prepare participants, where applicable;
- (9) Number of participants;
- (10) A percentage breakdown of total participants by race and gender;
- (11) Performance metrics, targets, and outcomes consistent with the requirements of subsections (f) and (g) of this section;
- (12) Information on the use of electronic data matching to determine outcomes data, as described in subsection (g)(1) of this section, such as the outcomes metrics for which data matching was used, the extent of use, and other methods of data collection that were utilized; and

(13) For each provider, in programs that utilize providers:

- (A) Provider name;
- (B) Names of courses of training provided, where applicable;
- (C) Total number of participants;
- (D) Number of participants per course of training;
- (E) List of services offered, delineated by each course of training, where

applicable;

(F) Sector and occupation for which each course of training is designed to prepare participants;

(G) Amount of workforce development or adult education program funding received from District agencies, including federal funding administered by District agencies, which shall include:

- (i) Total funding; and
- (ii) Funding for each course of training, if applicable;

(H) The initial educational functioning level of program participants, if available; and

(I) Performance metrics, targets, and outcomes as required pursuant to subsections (f) and (g) of this section.

(e) The guide may include any other information to provide context for performance outcomes of programs or providers.

(f)(1) The guides submitted by February 1, 2019, and February 1, 2020, shall provide numerical performance outcomes targets, where available, performance outcomes, and data components for all performance metrics that the District or providers track according to law, program policy, or practice as of the effective date of this act.

(2) The guide submitted by February 1, 2021, and annually thereafter, shall report, for all workforce development and adult education programs covered by subsections (c)(2) and (3) of this section:

(A) The participant completion rate, as defined by the program, and the definition of completion used;

(B) Any numerical performance outcomes targets adopted by the agency or set in accordance with local or federal law; and

(C) The same performance outcome measures required by section 116(b)(2) of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1471; 29 U.S.C. § 3141(b)(2)), and related regulations and sub-regulatory guidance published by the U.S. Department of Labor, excluding measures of effectiveness at serving employers.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, for public charter school programs, the guide shall report outcomes as they appear in publicly available materials.

(g)(1)(A) At the discretion of the agency that administers or manages the program, the primary means of collecting outcomes data shall be by electronically matching program records with unemployment insurance wage records and other appropriate information, such as data from

the National Student Clearinghouse, data from the Federal Employment Data Exchange System, and records available from other states.

(B) Information may be collected by other means, such as direct contact with past participants.

(2) Upon request from the WIC or a District agency that administers or manages a workforce development or adult education program, and pursuant to a legally executed memorandum of understanding or other legal instrument, the Department of Employment Services (“DOES”) shall electronically match and provide to the WIC, or such District agency, employment and earnings outcomes data referred to by subsection (f)(2)(C) of this section, utilizing data from the unemployment insurance wage records or other data to which DOES has primary or exclusive access.

Sec. 103. Requirement to share information.

District agencies that manage, administer, oversee, or fund workforce development or adult education programs covered pursuant to section 102(c) shall transmit to the WIC the information necessary to create the guide no later than 60 days after receiving a request from the WIC for such information; provided, that:

(1) An agency shall not be required to disclose information specifically protected from disclosure to another agency pursuant to District or federal law;

(2) An agency shall not be required to transmit individual-level or personally identifiable information without a legally executed memorandum of understanding or similar legal instrument;

(3) All agencies shall comply with all relevant privacy laws and no personally identifiable information shall be publicly released or made publicly available; and

(4) The Public Charter School Board shall not be required to transmit the information required by this title, although the WIC may request such information from the Public Charter School Board.

TITLE II – DUTIES OF THE WORKFORCE INVESTMENT COUNCIL.

Sec. 201. Section 4(f) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(f)), is amended as follows:

(a) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (7) is added to read as follows:

“(7) Collect and compile the information required to develop the Workforce Development System Expenditure Guide pursuant to Title I of the Workforce Development System Transparency Amendment Act of 2018, passed on 2nd reading on February 6, 2018 (Enrolled version of Bill 22-401).”.

TITLE III – APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

Sec. 301. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia