

# The Landscape of Workforce Development Federally and in the State of Nevada

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## **Elizabeth Daniel**

Senior Director

Director of Legal Strategy and Policy

Center for Public Research and Leadership

Email: [ebd17@columbia.edu](mailto:ebd17@columbia.edu)

## **Scheherazade Salimi**

Senior Director

Center for Public Research and Leadership

Email: [sjs54@columbia.edu](mailto:sjs54@columbia.edu)

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## The Landscape of Workforce Development Federally and in the State of Nevada

In an increasingly global economy, economic development is a complicated undertaking. Building a strong, diversified economy requires the coordination and alignment of many moving parts, arguably the most important of which is workforce. Individuals need employment and training opportunities to attain skills that are relevant to businesses, businesses need a skilled workforce to function and grow, and states need a skilled workforce to attract businesses in target industries and sectors to achieve economic growth. A thoughtful workforce development system can achieve these goals.

The federal workforce framework, which is anchored by the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-28 (“WIOA”) and complemented by The Carl D. Perkins Career and Technical Education Act (Perkins Act), as amended most recently by the Strengthening Career and Technical Education for the 21st Century Act (“Perkins V”; P.L. 115-224), relies heavily on state and local efforts to cultivate a successful workforce development system. In Nevada, political leadership, educational institutions, and the business community are committed to workforce development activities and have created a network of government agencies, partnerships, and initiatives to push workforce development forward. There is real momentum in Nevada to develop a collaborative, cooperative, and aligned workforce development system, particularly with respect to workforce development through education. However, such an undertaking is not without its challenges, particularly with respect to a unified vision, meaningful utilization and scaling of programs, and accessible and streamlined funding. Nevertheless, such challenges can begin to be addressed with deliberate action, including those recommended herein.

### Federal Workforce Development Legislation

As noted above, at the heart of federal workforce development legislation is the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-28 (“WIOA”). Complementing and amplifying the programs of the WIOA, specifically with respect to workforce development through secondary and postsecondary education, is The Carl D. Perkins Career and Technical Education Act (Perkins Act), as amended most recently by the Strengthening Career and Technical Education for the 21st Century Act (“Perkins V”; P.L. 115-224). The WIOA and Perkins V, both individually and together, establish a regulatory framework and funding streams that seek to create a demand-driven, local, collaborative, and coordinated workforce development system that meets both current and future economic needs. Each is discussed in detail below.<sup>1</sup>

<sup>1</sup> In addition to the WIOA and Perkins V, it is possible to include numerous programs under the federal umbrella of “workforce development.” In fact, in a recent study, the U.S. Government Accountability Office (“GAO”) identified 43 federal “employment and training” programs, spanning nine federal agencies. See U.S. Gov’t Accountability Off., GAO-19-200, Employment and Training Programs: Department of Labor Should Assess Efforts to Coordinate Services Across Programs 17 (2019). A full list of the 43 programs can be found at Appendix A hereto. The list generated by GAO, while perhaps somewhat overinclusive, illustrates the breadth and depth of federal workforce development efforts, as well as the overlap and fragmentation. The programs offer a full array of employment and training services, but in many cases the services are similar and overlapping, such as employment counseling and assessment services (39 of 43 programs), job

## The Workforce Innovation and Opportunity Act of 2014

Guidance from the federal government on workforce development, including workforce development through education, is set out in the Workforce Innovation and Opportunity Act of 2014, Pub. L. No. 113-28 (“WIOA”).<sup>2</sup> The goal of the WIOA is to strengthen and improve the Nation’s workforce and thereby increase the economic prosperity and global competitiveness of workers, businesses, localities, states, and the Nation by, among other things:

- providing a combination of education and training services to prepare youth and under-skilled adults for the workforce, including job search assistance, career counseling, and occupational, classroom, and on-the-job training; and
- supporting alignment of workforce investment, education, and economic development systems.<sup>3</sup>

The workforce development programs of the WIOA are set out in its four substantive titles.<sup>4</sup>

Title	Focus	Deliverables
Title I	Workforce Development Activities	Job search, education, and training programs for unemployed or underemployed individuals, including youth; The federally-funded, state- and locally-administered One-Stop center delivery system; Governance and performance accountability system for all WIOA programs.
Title II	Adult Education and Literacy	Basic education and literacy programs for out-of-school adults, including programs aimed at completion of secondary education.

readiness training (38 of 43 programs), occupational or vocational training (36 of 43 programs), and work experience (35 of 43 programs). *See id.* at 16-22. The programs also seek to reach a broad population, including target populations, such as Native Americans or Veterans, but in many cases the programs, specifically those directed at target populations, are fragmented across different federal agencies. *See id.* Overlap and fragmentation among program services and agencies may have benefits, but it also suggests opportunities for coordination or efficiencies in service delivery.

<sup>2</sup> Federal efforts to align and improve the Nation’s workforce are longstanding. The origins of Federal workforce development legislation is said to date back to President Franklin D. Roosevelt’s New Deal legislation in the 1930’s. Workforce legislation was reimagined for the modern era by President John F. Kennedy with the enactment of the Manpower Training and Development Act of 1962, which was designed, among other things, to combat workforce skill gap in a rapidly changing economy. Since that modest beginning, the legislation has been revised and restructured as the Comprehensive Employment and Training Act of 1973, the Job Training Partnership Act of 1982, the Workforce Investment Act of 1998, and, currently, the WIOA. *See* David H. Bradley, Cong. Rsch. Serv., R44252, *The Workforce Innovation and Opportunity Act and the One-Stop Delivery System* 2-4 (2015).

<sup>3</sup> *See* Workforce Innovation and Opportunity Act, Pub. L. No. 113-28, § 2 (2014); *see also* Bradley at 2-4.

<sup>4</sup> The WIOA also includes a fifth title, Title V, which sets out general provisions, including transitional provisions from the Workforce Investment Act of 1998.

Title III	Amendments to the Wagner-Peyser Act	Amendments to the Wagner-Peyser Act of 1933 to make the Employment Service, a nationwide system of employment offices established by the Act, part of the One-Stop center delivery system.
Title IV	Amendments to the Rehabilitation Act of 1973	Funding for employment-related vocational rehabilitation services to individuals with disabilities.

Title I of the WIOA, which is the focus herein, authorizes programs that are collectively intended to comprise a demand-driven, local, and collaborative workforce development system.<sup>5</sup> To accomplish this goal, Title I creates a regulatory framework and funding streams that emphasize local control, seek to be responsive to the demands of local business, and incentivize collaboration between and among federal, state, and local governments and the private business sector. A brief discussion of the regulatory framework, funding streams, and youth-specific efforts follow.

The regulatory framework of the WIOA’s Title I workforce development system is anchored by state- and local-level mechanisms that align the WIOA’s programmatic goal of improving the Nation’s workforce with the realities and aspirations of the local economy. The hallmarks of the regulatory framework, which at the federal level is administered by the Department of Labor (“DOL”), primarily through its Employment and Training Administration (“ETA”),<sup>6</sup> are as follows:

State Workforce Development Board (“State WDBs”)	<p>To ensure that workforce development programs are responsive to local workforce demands, the WIOA calls for the establishment of State WDBs.</p> <p>The State WDBs are responsible for, among other things, developing and implementing a Unified State Plan, reviewing state-wide policies to align and streamline workforce development, developing and improving statewide workforce activities, designating local workforce areas, developing formulas for within-state distribution of adult and youth funds, developing state performance accountability measures, identifying and disseminating workforce development best practices, developing technology strategies to improve access to and delivery of One-Stop services, preparing annual performance reports to DOL, and developing the statewide workforce and labor market information system.<sup>7</sup></p> <p>State WDBs are appointed by the Governor of each state and consist of a</p>
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<sup>5</sup> See Bradley, *supra* note 2 at 4.

<sup>6</sup> The DOL also administers Title III programs, while the Department of Education primarily administers programs under Titles II and IV.

<sup>7</sup> State WDB functions are authorized in WIOA Section 101(d).

	<p>minimum of 33 members,<sup>8</sup> including the Governor, at least 17 representatives from business, 2 members of the state legislature, 2 chief elected local officials, 7 representatives from the workforce, including 2 labor representatives and 1 apprenticeship program representative, and 4 staff representing core WIOA programs.<sup>9</sup></p>
<p>Local Workforce Development Board (“Local WDBs”)</p>	<p>To further ensure programs are responsive to local needs, the WIOA calls for the establishment of Local WDBs.</p> <p>Local WDBs are responsible for, among other things, developing a local plan for workforce investment activities, analyzing regional labor market conditions, engaging local businesses to participate in WDB activities, developing and implementing career pathways, identifying proven and promising workforce development strategies, developing strategies to use technology, overseeing all programs for youth, adult, and dislocated workers, negotiating local performance measures with the governor, selecting One-Stop operators, coordinating WIOA workforce development activities with local education providers, developing budgets, assisting in developing a statewide employment statistics systems, and assessing accessibility for disabled individuals of all local One-Stop centers.<sup>10</sup></p> <p>Local WDBs are appointed by the chief local elected official in local workforce development areas and consist of a minimum of 19 members,<sup>11</sup> including at least 10 from business, 4 from the workforce, including at least 2 labor representatives and 1 apprentice program representative, 2 from education and training organizations, 3 from governmental and economic development entities, including 1 economic and community development representative, 1 employment service representative, and 1 vocational rehabilitation representative.</p>
<p>Unified State Plan</p>	<p>To achieve coordination and alignment of workforce development services, the WIOA calls for the development of Unified State Plans.</p> <p>Each state must develop a Unified State Plan that outlines its workforce strategies for the six core WIOA programs, including strategic planning elements, which consist of an overall vision and goals for preparing a skilled workforce, and operational planning elements, which consist of activities to implement the strategic plan and the functions of the state</p>

<sup>8</sup> The list of minimum members for State WDBs is set forth in Section 101(b)(1).

<sup>9</sup> The six core programs of the WIOA are Youth Workforce Investment Activities (Title I), Adult Employment and Training Activities (Title I), DIslolated Worker Employment and Training (Title I), Adult Education and Literacy Activities (Title II), Employment Services activities (Title III), and Vocational Rehabilitation State Grant Program activities (Title IV). See Bradley, *supra* note 2 at 11.

<sup>10</sup> Local WDB functions are authorized in WIOA Section 107(d).

<sup>11</sup> The list of minimum members for local WDBs is set forth in WIOA Section 107(b)(2).

	<p>WDB.<sup>12</sup></p> <p>Each state must submit the plan to the Secretary of Labor every four years, as well as modifications to the plan at the end of the first two years of the four-year period.</p>
Local Plans	<p>To further ensure coordination and alignment, each Local WDB must also develop a plan that outlines how it will support the state strategy specified in the Unified State Plan.<sup>13</sup></p> <p>Each local WDB must submit a comprehensive four-year plan to the governor, as well as modifications to that plan at the end of the first two years of the four-year planning period.</p>
One-Stop Centers	<p>To ensure central points of service for those seeking employment, training, and related services, the WIOA calls for the creation of One-Stop centers physically located in local workforce investment areas within a state.<sup>14</sup></p> <p>Centers provide access to programs and activities carried out by partners, including Youth Workforce Investment Activities, JobCorps, YouthBuild, and Postsecondary Career and Technical Education. Centers also provide access to all workforce and labor market information, and job search, placement, recruitment, and labor exchange services authorized by the Wagner-Peyser Act as the Employment Service.</p>
Common set of performance indicators	<p>To further ensure coordination and alignment of workforce development efforts, state and local performance is measured by a state and local performance accountability system that consists of two main components—indicators of performance and levels of performance.</p> <p>Indicators of performance are the objective variables on which states and localities must report, for example, the percentage of program participants who are in an education or training program that leads to a recognized post secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment.<sup>15</sup></p> <p>Levels of performance are the numerical score for indicators and are negotiated between states, localities, and the Departments of Labor and</p>

<sup>12</sup> The full list of required content for the Unified State Plan is set forth in WIOA Section 102(b).

<sup>13</sup> The full list of required content of the local plan is set forth in WIOA Section 108(b).

<sup>14</sup> A “local workforce investment area” is defined in Section 106 of the WIOA. These areas are designated by governors and are based on factors such as consistency with labor market areas and availability of educational institutions. *See* Bradley, *supra* note 2 at 6.

<sup>15</sup> The required measures of performance are set forth in WIOA Section 116(b)(2)(A).

	Education based on a set of factors. <sup>16</sup>
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Complementing the demand-driven, local, and collaborative regulatory framework of Title I of the WIOA, is a system of funding streams that are controlled by state and local officials administering workforce development programs. The majority of funding for WIOA Title I programs is provided through three state formula grants in the areas of Youth Employment and Training Activities, Adult Employment and Training Activities, and Dislocated Worker Employment and Training Activities.<sup>17</sup> Funds are allotted from the DOL to individual states by formula.<sup>18</sup> At the state level, the Governor may then reserve not more than 15% of each of the state’s Adult Activities, Youth Activities, and Dislocated Worker Activities allotments<sup>19</sup> for statewide training and employment activities required and allowed by Title I.<sup>20</sup> The remainder of the three state formula funding streams are allocated to local areas within each state by formula. The funds are used by the localities to administer the programs and achieve the goal developed by the State and Local WDBs as set forth in the State Unified Plan and Local Plans and meet any additional statutory requirements of the WIOA.

The regulatory framework and funding streams discussed above together create a workforce development system that seeks to assist all sectors of the population, including youth. Title I of the WIOA establishes and funds three avenues to provide youth, particularly disadvantaged youth, with educational and employment opportunities and access to leadership development and community service activities: Youth Activities, JobCorps, and YouthBuild.<sup>21</sup> Youth who are 18 years of age or older may also participate in programs funded through the Adult Activities state formula grant.

<sup>16</sup> The factors are set forth in WIOA Section 116(b)(3)(A)(v).  
<sup>17</sup> The remainder of the WIOA’s Title I funding is appropriated for JobCorps and a number of competitive grant-based programs that provide employment and training services to specific populations, including Native American Programs (Section 166), Migrant and Seasonal Farmworker Program (Section 167), Technical Assistance (Section 168), Evaluations and Research (Section 169), and YouthBuild (Section 171).  
<sup>18</sup> The funding streams for each of the three state formula grants are allotted by a three-factor formula based on each state’s relative share of each formula factor. By way of example, the factors for Youth Activities are a state’s relative share of total unemployed in areas of substantial unemployment, a state’s relative share of excess unemployed, and a state’s relative share of economically disadvantaged youth. A state’s relative share of any formula factor is calculated by dividing the factor population in the state by the factor population in the United States as a whole. See Bradley, *supra* note 2 at 24-26.  
<sup>19</sup> The Governor must also reserve not more than 25% for dislocated worker rapid response activities.  
<sup>20</sup> At the state level, the funds must be used for “required” activities and may be used for “allowable” activities. Required statewide activities are described in Sections 129(b)(1) and 134(a)(2)(B) of the WIOA. Allowable statewide activities are described in Sections 129(b)(2) and 134(a)(3) of the WIOA. The Governor has discretion to pool the three 15% set-asides and expend the funds on any statewide workforce investment activities, regardless of the source of funding.  
<sup>21</sup> A fourth program, which is not specifically authorized by the WIOA, but appropriates funds annually under Section 169, is The Reentry Employment Opportunities program, formerly known as the Reintegration of Ex-Offenders program, which provides job training and other services for juvenile and adult offenders. See Adrienne L. Fernandes-Alcantara, Cong. Rsch. Serv., R40929, Vulnerable Youth: Employment and Job Training Programs 10 (2020). One initiative launched by the DOL’s ETA under the Reentry Employment Opportunities program is the National Guard Job ChalleNge Program (“JC”), which is an outgrowth of the National Guard Youth ChalleNge Program (“YC”)—a 22-week, community-based residential program followed by a year of post-program mentoring that aims to build youth confidence and maturity, teach practical life skills, and help youth obtain a high school diploma or GED. Building on this YC model, DOL funded YC programs in three communities to expand their programs to include more court-involved youth and to create a follow-on residential occupational training program with the goal of improving youth employment outcomes. See Reentry Emp’t Opportunities,

<p>Youth Activities</p>	<p>Youth Activities, which is one of the three state formula funding streams, provides funds to states and in turn to local workforce areas to design and deliver a comprehensive array of youth services that focus on assisting “out-of-school youth” and “in-school youth”<sup>22</sup> who have one or more barriers to employment, and to prepare them for post-secondary education and employment opportunities, attainment of educational or skills training credentials, to secure employment with career and promotional opportunities, or continue into post-secondary education.<sup>23</sup></p> <p>The specific programs designed to achieve these goals are those developed by the State and Local WDBs and set forth in the State Unified Plan and Local Plans. The programs may vary from state to state or locality to locality but must include 14 elements detailed in the WIOA, including paid and unpaid work experiences that have an academic and occupational education component,<sup>24</sup> occupational skill training, and activities to prepare youth to transition to postsecondary education and training.<sup>25</sup></p> <p>Appropriations authorized for Youth Activities over FY2015 to FY2020 have increased from \$820 million to \$964 million annually.<sup>26</sup> Appropriations authorized in H.R. 7309 for Youth Activities for FY2023 to FY2028 would increase annually from \$1.027 billion to \$1.654 billion.<sup>27</sup></p>
<p>Job Corps</p>	<p>Job Corps provides career and technical training to disadvantaged youth in a number of trades at residential centers throughout the country.<sup>28</sup></p>

U.S. Dep’t. of Labor, Emp’t and Training Admin., Nat’l Guard JobChalleNGe Fact Sheet, *avialble at* [https://www.doleta.gov/REO/pdf/JobChalleNGe\\_Fact\\_Sheet.pdf](https://www.doleta.gov/REO/pdf/JobChalleNGe_Fact_Sheet.pdf) (last visited on July 26, 2022).

<sup>22</sup> “Out-of-School youth” is defined in Section 129(a)(1)(B) as an individual aged 16 to 24 who meets certain criteria such as being low-income or a high school dropout and “In-School youth” is defined in Section 129(a)(1)(C) as an individual aged 14 to 21 who attends school, is low-income, and who faces a barrier to employment. Under current law, the Youth Activities program establishes separate eligibility criteria for in-school and out-of-school youth and requires that 75% of youth formula funds be used for activities for out-of-school youth. *See* Fernandes-Alcantara, *supra* note 21 at 10. In April 2022, the House Committee on Education and Labor marked up and reported H.R. 7309, the Workforce Innovation and Opportunity Act of 2022, which has passed in the House and has been received in the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions. Relevant to the Youth Activities program, H.R. 7309 would eliminate the distinction between out-of-school and in-school youth and create a united “eligible youth” definition. *See* Benjamin Collins, Adam K. Edgerton & Kyle D. Shohfi, Cong. Rsch. Serv., R47099, Workforce Innovation and Opportunity Act of 2022 (H.R. 7309) 6 (2022).

<sup>23</sup> *See* Bradley, *supra* note 2 at 21-23.

<sup>24</sup> WIOA Section 129(c)(4) requires that local areas must spend at least 20% of the allocated funds on this element.

<sup>25</sup> Program elements for Youth Activities are set forth in WIOA Section 129(c)(2).

<sup>26</sup> *See* Bradley, *supra* note 2 at 38.

<sup>27</sup> *See* Collins et. al., *supra* note 22 at 9.

<sup>28</sup> Job Corps is not a core WIOA program but is authorized under Title I, Subtitle C. JobCorps is open to youth ages 16 through 24 who are low-income and meet one or more of the statutory criteria, including high school dropout. Funds for Job

	<p>Appropriations authorized for Job Corps over FY2015 to FY2020 have increased from \$1.688 billion to \$1.984 billion annually.<sup>29</sup> Appropriations authorized in H.R. 7309 for Job Corps for FY2023 to FY2028 would increase annually from \$1.810 billion to \$2.150 billion.<sup>30</sup></p>
<p>YouthBuild</p>	<p>YouthBuild engages disadvantaged youth in educational services and job training that focus on the construction trades and other approved in-demand industries or trades.<sup>31</sup> At least 40% of the time, youth must participate in certain work and skill development activities. At least an additional 50% of the time, participants must be engaged in education and related services and activities designed to meet their educational needs.<sup>32</sup></p> <p>Appropriations authorized for YouthBuild over FY2015 to FY2020 have increased from \$80 million to \$91 million annually.<sup>33</sup> Appropriations authorized in H.R. 7309 for YouthBuild for FY2023 to FY2028 would increase annually from \$160 million to \$204 million.<sup>34</sup></p>

In addition to these existing youth employment programs, H.R. 7309, the Workforce Innovation and Opportunity Act of 2022, which was passed in the House in May 2022 and subsequently received in the Senate and referred to the Senate Committee on Health, Education, Labor, and Pensions, would establish two new programs relevant to youth: Strengthening Community Colleges and Training Grants Program and Summer and Year-Round Employment for Youth.<sup>35</sup>

Corps are appropriated annually to DOL, which administers the program and contracts with private organizations to run centers. *See* Fernandes-Alcantara, *supra* note 21 at 8-10. There are currently 123 centers nationwide, including one center in Reno, Nevada. *See* Job Corps, <http://jobcorps.gov> (last visited July 21, 2022).

<sup>29</sup> *See* Bradley, *supra* note 2 at 2-4.

<sup>30</sup> *See* Collins et. al., *supra* note 22 at 9.

<sup>31</sup> YouthBuild is authorized under Title I, Section 171 of the WIOA. YouthBuild programs are open to youth ages 16 to 24 who are (1) members of low-income families, in foster care, offenders, disabled, the children of incarcerated parents, or migrants; and (2) are school dropouts. Grants are competitively awarded to, among others, community-based organizations and entities carrying out activities under Title I of WIOA (such as a local WDBs). *See* Fernandes-Alcantara, *supra* note 21 at 8-10.

<sup>32</sup> *See* Fernandes-Alcantara, *supra* note 21 at 10.

<sup>33</sup> *See* Bradley, *supra* note 2 at 38.

<sup>34</sup> *See* Collins et. al., *supra* note 22 at 9.

<sup>35</sup> *See* Collins et. al., *supra* note 22 at 9. In addition to these new funding streams, H.R. 7309 also establishes funding for (1) Reentry Employment Opportunities, which would codify permanent authority for competitive grants that support the employment of justice-involved individuals (new Section 173), (2) Sectoral Employment through Career Training and Occupational Readiness (SECTOR), which would provide a combination of formula grants (80% of funding) and competitive grants (20% of funding) to support the development and expansion of industry or sector partnerships, including convening stakeholders to refine training and employment efforts and providing or arranging the provision of services to assist individuals with barriers to employment to complete and transition out of training programs (new Section 174). *See id.* at 9-10.

<p>Strengthening Community Colleges and Training Grants Program</p>	<p>Since 2020, a portion of the funds from the Dislocated Worker National Reserve have been appropriated for the purpose of “developing, offering, or improving educational or career training programs at community colleges.”<sup>36</sup> H.R. 7309 would codify similar activities in a new Section 173 of the WIOA. The authorization would establish the authority for grants to eligible institutions of higher education that predominantly award associate degrees and partner with employers in in-demand industries and sectors.<sup>37</sup></p> <p>The bill would authorize \$100 million for these activities in FY2023 and increase each year to \$161 million in FY2028.<sup>38</sup></p>
<p>Summer and Year-Round Employment for Youth</p>	<p>The Summer and Year-Round Employment for Youth program would be established in a new Section 130 of WIOA and would provide formula grants to states to support employment and job readiness programs for eligible youth. Funds would be allotted to states on the basis of each state’s relative share of Youth Activities funding. Program funds could be used to support program development, subsidize participant wages, and support related work readiness activities. The Governor would also be allowed to approve using 100% of the funds for activities authorized under Youth Activities.<sup>39</sup></p> <p>The bill would authorize about \$927 million for this program in FY2023 and increase each year to about \$1.49 billion in FY2028.<sup>40</sup></p>

**Department of Education Career and Technical Education Grants**

While the WIOA is at the heart of the federal workforce development system, the Department of Education’s Career and Technical Education Grant program complements and amplifies the WIOA’s workforce development efforts, particularly in the area of workforce development through education.

The Carl D. Perkins Career and Technical Education Act (Perkins Act), as amended most recently by the Strengthening Career and Technical Education for the 21st Century Act (“Perkins V”; P.L. 115-224), is the primary federal law supporting career and technical education (“CTE”) services offered within the states at the

<sup>36</sup> See *id.* at 9.  
<sup>37</sup> See *id.* at 9.  
<sup>38</sup> See *id.* at 9.  
<sup>39</sup> See *id.* at 9.  
<sup>40</sup> See *id.* at 9.

secondary and postsecondary education levels.<sup>41</sup> CTE, as defined under Perkins V, is organized educational activities at the secondary and postsecondary levels that impart technical or occupational skills and academic content relevant to in-demand industry sectors or occupations<sup>42</sup> and lead to an industry-recognized credential, a certificate, or an associate’s degree, or to further education.<sup>43</sup> The emphasis of Perkins V on in-demand industry sectors or occupations paired with specific programs of study that lead to an industry-recognized degree or credential is unique among federal education legislation.<sup>44</sup>

Perkins V seeks to implement its strategic vision through a locally-focused cooperative effort between and among educational actors, state and local workforce development entities, and the private business sector.<sup>45</sup> As with the WIOA, Perkins uses a combination of regulatory requirements and funding streams to achieve its goal of an educated and skilled workforce prepared to meet the demands of existing and future local business needs.

At the core of Perkins V is the Basic State Grant Program (“BSG”). Over 90% of funds appropriated to Perkins V are allocated to the BSG Program.<sup>46</sup> BSG grant funds are distributed to the 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands by formula.<sup>47</sup> In order to receive BSG funds, each state must designate an eligible agency within the state to formulate a four-year state plan to design, implement, and support CTE programs tailored to each state’s economic and workforce development needs. All plans must be developed through public hearings and in consultation with the Governor and appropriate state agencies, as well as a variety of stakeholders, including CTE teachers, faculty, and administrators, guidance and academic counselors, parents

<sup>41</sup> See Adam K. Edgerton, Cong. Res. Serv., R47071, Strengthening Career and Technical Education for the 21st Century Act (Perkins V): A Primer 2 (2022).

<sup>42</sup> Perkins V uses the definition of in-demand industry sector or occupation as defined in Section 3 of the WIOA, which is “(i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the state, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or (ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the state, regional, or local economy, as appropriate.”

<sup>43</sup> See Perkins V §7(5)

<sup>44</sup> See Edgerton, *supra* note 41 at 2.

<sup>45</sup> See Perkins V, §122.

<sup>46</sup> The two additional funding programs under Perkins V are National Initiatives, and the Tribally Controlled Postsecondary Career and Technical Institutions Program. Under Perkins V, National Activities includes a newly-created Innovation and Modernization competitive grant program to study and replicate evidence-based practices. Designed to encourage experimentation, these grants can be administered directly to local eligible secondary and postsecondary institutions, with priority given to institutions that predominantly serve low-income families. Grantees must match not less than 50% of the federal funds with non-federal sources, and they must show how the CTE programs or programs of study to be implemented reflect the needs of employers, as demonstrated by a comprehensive needs assessment. Funds must be used to create, develop, implement, replicate, or take to scale evidence-based, field-initiated innovations to modernize and improve the effectiveness and alignment of CTE education and to improve student outcomes. A comprehensive list of allowable activities can be found in Perkins V Section 113.

<sup>47</sup> After set-asides for some of the outlying areas, Native American, and Native Hawaiian programs, funds are allocated initially through foundational grants equal to FY2018 grant allocations (ratably reduced if insufficient funding is available). When appropriations are in excess of the amount of funding needed to provide foundational grants, the excess appropriations are then, subject to some small state minimum grant requirements, allocated according to the age distribution of a state’s population and per capita income through a factor-based formula.

and students, representatives of business, industry, and labor organizations, and representatives of the State WDB.<sup>48</sup> Each state’s plan must be approved by the Secretary of Education.<sup>49</sup>

The composition and scope of state plan varies, but each must include the following required information,<sup>50</sup> among other things:

- a strategic vision and set of goals for preparing an educated and skilled workforce (including special populations) and for meeting the skilled workforce needs of employers, including in existing and emerging in-demand industry sectors and occupations as identified by the state;
- a strategy for any joint planning, alignment, and coordination of funds between CTE programs with the state’s workforce development system and other federal programs;
- an allocation of funding between secondary and postsecondary CTE;
- supported CTE activities, including the degree to which programs are aligned with and address the education and skill needs of the employers identified by the state board;
- CTE programs of study–non-duplicative sequences of courses that lead to an industry-recognized credential, certificate, or degree–to be offered by the state;<sup>51</sup>
- professional development, recruitment, and retention strategies for CTE teachers, faculty, administrators, and career and guidance counselors; and
- efforts to facilitate the successful transition of CTE students from sub-baccalaureate programs into baccalaureate degree programs.

As an alternative to the state plan described above, a state may submit a state plan as part of the combined plan submitted under Section 103 of the WIOA. The section of the combined state plan that relates to CTE would still have to follow the same requirements as a single plan.

With an approved state plan in hand, the U.S. Department of Education distributes BSG funds to the state. Each state must then distribute at least 85% of the funds received to the local level. It may reserve not more than 10% for state leadership activities<sup>52</sup> and not more than 5% for state administration. Each state has flexibility in

<sup>48</sup> See Perkins V, §122.

<sup>49</sup> See *id.* The Secretary can only disapprove a plan if state-determined levels of performance fail to meet statutory requirements. Section 112 of Perkins V mandates the inclusion of core indicators of performance at the secondary and post-secondary level. However, while Perkins V mandates the inclusion of core indicators, each state decides on the appropriate levels of performance for each of the core indicators, as well as any additional indicators included in its approved plan. If target levels on core indicators of performance are not met, Perkins V requires that states and local providers prepare and implement program improvement strategies.

<sup>50</sup> See *id.*

<sup>51</sup> See *id.* at § 7(41).

<sup>52</sup> The 10% state leadership activities set-aside must be used for a list of required activities, including recruiting CTE faculty and staff, and may be used for allowable activities, including developing statewide programs of study, which may include standards, curriculum, and course development, and career exploration, guidance, and advisement activities and resources, establishing statewide articulation agreements and industry partnerships, establishing statewide industry or sector partnerships among secondary and post-secondary institutions, creating high-quality comprehensive professional development for teachers and staff, and developing valid and reliable assessments of competencies and technical skills and

deciding the allocation of local level funds between secondary and postsecondary local CTE providers.<sup>53</sup> Eligible CTE providers at the secondary level include public and private high schools, CTE-specific schools, and cooperative programs with community and technical colleges.<sup>54</sup> At the postsecondary level, eligible CTE providers include community and technical colleges, public and private two-year or four-year colleges and universities, vocational schools, employers or labor union apprenticeship programs, and adult workforce education centers.<sup>55</sup>

At the local level, in order to receive Perkins funding, a secondary or postsecondary eligible recipient must submit a local plan to the state eligible agency. Similar to the state plan, local plans must be developed in consultation with a diverse group of stakeholders and must include certain required information, including:

- the results of the comprehensive needs assessment;<sup>56</sup>
- information on the CTE course offerings and activities that will be provided;
- information on collaboration with Local WDBs and One-Stop delivery systems regarding career exploration and career development services, career information on employment opportunities in-demand industry sectors or occupations, and an organized system of career guidance and academic counseling;
- work-based learning opportunities and opportunities to gain postsecondary credit while in high school, such as through dual or concurrent enrollment programs or early college high school; and
- information about coordination with the state in supporting the recruitment, preparation, retention, and training of teachers, faculty, and administrators.

Upon receipt of funds from the state, a local level recipient must use the funds<sup>57</sup> to develop, coordinate, implement, or improve CTE programs that meet the needs identified in the comprehensive needs assessment and that are of sufficient size, scope, and quality to be effective.<sup>58</sup>

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enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes. *See id.* at § 124 (setting forth a complete list of permissible uses).

<sup>53</sup> In 2020, Nevada allocated 63% of the money distributed to eligible participants to the secondary level and the remaining 37% to the postsecondary level. *See* Perkins Collaborative Resource Network, Funding Distributions, *available at* <https://s3.amazonaws.com/PCRN/file/SplitSecondaryAndPostsecondaryAwards2020.pdf> (last visited Aug. 6, 2022).

<sup>54</sup> The formula for distributing money to the secondary level is 70% of the funds are allocated based on each local recipient's share of individuals aged 5 through 17 living below the poverty line, compared to the total population of individuals aged 5 through 17 living below the poverty line in the entire state; and 30% of the funds are allocated based on each local recipient's share of all individuals aged 5 through 17. *See* Perkins V §131.

<sup>55</sup> Funds are distributed to eligible local recipients at the postsecondary level based on their share of Pell Grants recipients and recipients of assistance from the Bureau of Indian Education who are enrolled in CTE programs.

<sup>56</sup> A comprehensive needs assessment must include an evaluation of the performance of the students served based on quantifiable indicators decided upon by the state and either accepted or negotiated by each locality, including goals for high school graduation, enrollment in postsecondary education, and earned credentials. The needs assessment must also include, among other things, a description of how the local entity will improve recruitment, retention, and training of CTE faculty and staff, and a description of progress toward the implementation of CTE programs and programs of study.

<sup>57</sup> Local eligible recipients may use up to 5% of its local funds for administrative costs.

<sup>58</sup> Detailed requirements for local programs are set forth in Perkins V Section 135.

## Nevada's Workforce Development System

As discussed above, the workforce development system created by the WIOA and complemented and strengthened in the area of CTE by Perkins V is intended to be driven by and responsive to local economic conditions. As such, state and local efforts are critical to the development of a successful workforce development system. The regulatory requirements of the WIOA, Perkins V, and other federal regulations set the foundation on which a state's workforce development system must be built. However, states, together with their localities, are free to expand upon that foundation to create systems that reflect the realities and aspirations of their unique economic situation. Nevada has done just that.

In the wake of the Great Recession of the late 2000's, Nevada found itself at an inflection point in its economic development. Nevada's traditional economic model—one overly-dependent on consumption sectors, such as residential and commercial construction, gaming, entertainment, and mineral extraction and too little invested in innovation and economic diversification—was pushed to its breaking point.<sup>59</sup> At its lowest point in 2010, Nevada had an unemployment rate nearing 14 percent—at the time, the highest nationwide.<sup>60</sup> Nevada leaders, recognizing the urgency of the situation and the need for change, took action and modernized Nevada's economic and workforce development system.

Nevada's economic and workforce development system has made it possible over the past decade for Nevada to make significant strides to grow and diversify its economy and develop a skilled workforce. But, as the COVID-19 pandemic has evidenced, there is more work to be done. And, it appears that Nevada leaders, imbued with new energy in the wake of the COVID-19 pandemic, are poised to take on the hurdles that continue to hamper the economic success of the state's workforce and employers. Below is a summary of the regulatory framework and major initiatives Nevada has in place in the area of workforce development, particularly workforce development through education.

### Nevada Governor's Office

Nevada's economic and workforce development system starts at the top with the Governor. As discussed above, the Governor figures heavily in the WIOA regulatory framework. Within that framework, the Governor, or his designee, serves on the State WDB and appoints its members. He also appoints local workforce board members and works with them to develop and approve local plans. He is liable for state-received workforce funds and has purview over funding for statewide employment, training and response to layoffs. He is also liable for locally-received workforce funds and designates either a local government entity or other agent for administration.

<sup>59</sup> See The Brookings Inst., Metro. Div., Brookings Mountain West & SRI Int'l, *Unify Regionalize Diversify: An Economic Development Agenda for Nevada 3* (2011), available at [https://www.brookings.edu/wp-content/uploads/2016/06/1114\\_nevada\\_economy.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/1114_nevada_economy.pdf) (last visited Aug. 6, 2022) (hereinafter Brookings Rep. 2011).

<sup>60</sup> See Jacob Solis, *Ten Years After Great Recession, Sisolak Inherits Mixed Economic Bag*, *The Nevada Indep.*, Jan. 7, 2019, <https://thenevadaindependent.com/article/ten-years-after-great-recession-sisolak-inherits-mixed-economic-bag> (last visited Aug. 6, 2022).

Beyond the duties and requirements of the WIOA, the Governor, or his designee, also serves as an important member of many of the state agencies that make up Nevada’s economic and workforce development system and is a vital conduit, and in some cases the only conduit, for inter-agency communication and collaboration.<sup>61</sup> He can dictate resource alignment and facilitate the connection of programs with educational institutions, public housing agencies, human services agencies, and other service organizations. He is also uniquely situated to align workforce development goals with regional economic development goals and create a core workforce development and delivery system.

Finally, and perhaps most importantly, the Governor sets the vision for the state’s economic and workforce development. Governor Brian Sandoval, who served as Governor from 2011 to 2019, created the pillars of Nevada’s modern economic and workforce development system—the Governor’s Office of Economic Development (“GOED”), which is the state’s leading economic development agency and the Governor’s Office of Workforce Innovation (“GOWINN”), which is the state’s leading workforce development agency. Governor Sandoval also made efforts specific to the development of Nevada’s workforce through education. In June 2018, Governor Sandoval hosted the Governor’s Education to Workforce Summit, which marked the first time that the Nevada business community, government officials, secondary and postsecondary educators, and the public workforce gathered together to discuss work-based learning and career pathway initiatives.<sup>62</sup>

Governor Steve Sisolak, who took office in January 2019, has also made it a priority to strengthen and diversify Nevada’s economy, both in terms of bringing more good, high-paying jobs into the state and preparing the workforce with the skills and credentials to fill those jobs, in part by improving Nevada’s education system.<sup>63</sup> To that end, among other initiatives, Governor Sisolak announced in May 2022, the creation of a subcabinet dedicated to addressing workforce issues, bringing together six current cabinet officers and agency leaders, all of whom play a major role in Nevada’s workforce development: the Director of GOED, the Executive Director of GOWINN, the Director of Nevada’s Department of Employment, Training and Rehabilitation (“DETR”), the Superintendent of Nevada’s Department of Education (“NDE”), the Officer in Charge of Nevada’s System of

<sup>61</sup> The Governor appears to be the only overlapping member of the Governor’s Office of Economic Development (“GOED”) and the Governor’s Workforce Development Board (“GWDB”), two of Nevada’s major workforce development agencies. However, the Governor has appointed a designee, the Director of GOWINN, to sit on the GWDB.

<sup>62</sup> The summit, which took place in June 2018, drew 180 participants who attended multiple workshops aimed at creating meaningful dialogue between the educational and business communities. See GOWINN, 2018 Governor’s Education to Workforce Post-Summit Summary Report, available at [https://gowinn.nv.gov/uploadedFiles/govnv.gov/Content/OWINN/Gov%20Education%20to%20Workforce%20Summit%20Summary%20Data\\_OWINN.pdf](https://gowinn.nv.gov/uploadedFiles/govnv.gov/Content/OWINN/Gov%20Education%20to%20Workforce%20Summit%20Summary%20Data_OWINN.pdf) (last visited Aug. 6, 2022); see also Greg Bortolin, *Nevada Governor’s Education to Workforce Summit targets ‘LifeWorks’ initiative*, Carsonnows.org, June 26, 2018, <https://carsonnow.org/story/06/26/2018/nevada-governor-s-education-workforce-summit-targets-lifeworks-initiative?page=5> (last visited Aug. 6, 2022).

<sup>63</sup> See DFI Consulting, *A Prosperous Nevada Built on a Cohesive System and Works for its People and Employers: Report for the National Governors Association Workforce Innovation Network Grant 8 (2022)*, available at <https://gowinn.nv.gov/uploadedFiles/owinnnv.gov/Content/GWDB/Meetings/2022/WIN%20Grant%20Final%20Report.pdf> (last visited Aug. 6, 2022) (hereinafter NGA WIN 2022 Report)

Higher Education (“NSHE”), and the Director of Nevada’s Department of Veterans Services.<sup>64</sup> The subcabinet is tasked with “reviewing and recommending evidence-based best practices, consolidating and coordinating state services to maximize efficiencies and reduce red-tape and unnecessary duplications of services, and with gathering and publishing relevant, real-time data measuring Nevada’s workforce needs and successes.”<sup>65</sup>

Specifically in the area of workforce development through education, Governor Sisolak announced in June 2022 that the Community College Workforce Training and Programs Committee, which he created in May 2021,<sup>66</sup> is piloting the Workforce Incentive Grant program aimed at making community college and workforce training programs free for more students.<sup>67</sup> Specifically, the program targets students who are seeking degrees or certificates for in-demand occupations as identified by the state, but who are not currently eligible for other state scholarship opportunities due to age or credit-load requirements.<sup>68</sup> Additionally, Governor Sisolak has continued support for Jobs for Nevada’s Graduates (“J4NG”), a program established by Governor Sandoval in 2013, which provides graduation and workforce development programs, workforce pathway programs, and supportive service programs to at-risk youth.<sup>69</sup>

### Governor’s Office of Economic Development (“GOED”)

The Governor’s Office of Economic Development (“GOED”) is Nevada’s principal *economic* development agency and leads the larger economic development ecosystem in Nevada.<sup>70</sup> GOED was established in 2011 in the wake of the Great Recession.<sup>71</sup> GOED reorganized and elevated the importance of Nevada’s economic development activities by gathering them within the Governor’s office as a new Cabinet-level economic development board.<sup>72</sup> The Board is composed of: the Governor, the Lieutenant Governor, the Secretary of State, six members from the private sector, the Chancellor of the NSHE or his or her designee, the Director of DETR, and the Director of the Department of Business and Industry.<sup>73</sup>

<sup>64</sup> See Press Release, Governor Sisolak creates “Workforce Development subcabinet,” appoints six members (May 3, 2022), available at [https://gov.nv.gov/News/Press/2022/2022-05-03\\_WorkforceDevelopmentSubcabinet/](https://gov.nv.gov/News/Press/2022/2022-05-03_WorkforceDevelopmentSubcabinet/) (last visited Aug. 6, 2022).

<sup>65</sup> *Id.*

<sup>66</sup> In May 2021, Governor Sisolak signed a bill to help align workforce training and programs offered by community colleges in Nevada. See Nev. Assembly Bill 450.

<sup>67</sup> See Press Release, Governor Sisolak announces Workforce Incentive Grant pilot program aimed at increasing community college accessibility (June 7, 2022), available at [https://gov.nv.gov/News/Press/2022/2022-05-06\\_WorkforceIncentiveGrantPilotProgram/](https://gov.nv.gov/News/Press/2022/2022-05-06_WorkforceIncentiveGrantPilotProgram/) (last visited Aug. 6, 2022).

<sup>68</sup> *See id.*

<sup>69</sup> See J4NG About Us, <https://j4ng.org/about-us/> (last visited Aug. 6, 2022).

<sup>70</sup> See Jennifer Rachel Baumer, *Governor’s Office of Economic Development: The Heart of Workforce Development*, Nev. Bus., June 1, 2022; see also Nevada PYS 2022-23 Mod. 97, available at [https://gowinn.nv.gov/uploadedFiles/owinnnv.gov/Content/StatePlan/WIOA\\_Plan\\_in\\_Federal\\_Review-2022-03-14\\_11-29-05\\_am-Nevada\\_PYs\\_2022-2023\\_Mod.pdf](https://gowinn.nv.gov/uploadedFiles/owinnnv.gov/Content/StatePlan/WIOA_Plan_in_Federal_Review-2022-03-14_11-29-05_am-Nevada_PYs_2022-2023_Mod.pdf) (last visited Aug. 6, 2022) (hereinafter Nev. WIOA Unified Plan 2022-23).

<sup>71</sup> GOED was created by the Economic Development Bill (Nev. Assembly Bill 449), which was signed into law on June 17, 2011 by Gov. Brian Sandoval.

<sup>72</sup> See Brookings Rep. 2011 *supra* note 59 at 3.

<sup>73</sup> See Nev. Rev. Stat. § 231.003(1)(a) and (b). The latter three members of the Board are non-voting members.

The Board recommends and the Governor appoints an Executive Director who, along with his or her staff, is charged with developing and implementing the economic strategy for the state.<sup>74</sup> That strategy is set out in the State Economic Development Plan (“State Plan”), which GOED is tasked with drafting and implementing. The State Plan is intended to reflect a fact- and data-driven approach to strengthening the economy and workforce.<sup>75</sup> GOED’s inaugural State Plan in 2012, informed by a thorough third-party analysis,<sup>76</sup> outlined a strategy to encourage the creation, expansion, and relocation of businesses, both small and large, in the state. Specifically, the State Plan set forth as its objectives the following: “Establish a Cohesive Economic Development Operating System; Advance Targeted Sectors and Opportunities in the Regions; Expand Global Engagement; Catalyze Innovation in Core and Emerging Industries; and Increase Opportunity Through Education and Workforce Development.”<sup>77</sup> To ensure Nevada’s State Plan remains relevant, GOED has periodically engaged third-parties to undertake studies and provide follow-up analysis. For example, in December 2020, GOED reported on the findings of a commissioned Labor Supply Study to measure the amount and quality of potential employees across all of Nevada. The study demonstrated that Nevada provides a stable and productive workforce that is significantly underutilized. Also in December 2020, GOED published a report by SRI International that charted a course for immediate recovery and long-term resilience of Nevada’s economy in the wake of the COVID-19 pandemic.<sup>78</sup>

To implement Nevada’s economic plan, GOED is charged with engaging a wide variety of partners, including the Federal Government, local governments, local and regional organizations for economic development,

<sup>74</sup> The current Executive Director of GOED is Michael Brown who leads a staff of 26 individuals who sit within the Office’s Economic Development Commission. See GOED Staff, <https://goed.nv.gov/about/staff-directory/> (last visited Aug. 6, 2022). There are also an additional 11 individuals who work in the Motion Picture, Rural Community Development, and Small Business and Procurement divisions. See Nev. Emp. Directory, <https://ssbci.nv.gov/> (select “Branch - Executive”, “Division - Governor’s Office of Economic Development”, “Division - All”) (last accessed on Aug. 6, 2022).

<sup>75</sup> In preparations for drafting the State Plan, GOED is charged with “investigat[ing] and study[ing] conditions affecting Nevada business, industry and commerce, and engag[ing] in technical studies, scientific investigations, statistical research and educational activities necessary or useful for the proper execution of the function of the Office in promoting and developing Nevada business, industry and commerce, both within and outside the State.” Nev. Rev. Stat § 231.064(1). The State Plan must highlight new industries which have the potential to be developed in the state, the strengths and weaknesses of the state for business incubation, the competitive advantages and weaknesses of the state, as well as, the manner in which the state can leverage its competitive advantages and address its competitive weaknesses, and a strategy to encourage the creation and expansion of businesses in this state and the relocation of businesses to this state. See Nev. Rev. Stat § 231.053(2)(a).

<sup>76</sup> The 2011 report “Unify, Regionalize, Diversify: An Economic Development Agenda for Nevada” drafted by The Brookings Institution, Metropolitan Policy Program, Brookings Mountain West, and SRI International was the culmination of “a five-month inquiry that sought to define the nature of the economic challenges the state and its major regions face; identify industries and industry clusters that have the highest potential for expansion as part of an economic diversification effort; and suggest policy options that will enable the state, its regions, and the private sector to work more effectively to build a more unified, regionally vibrant, and diversified Nevada.” See Brookings Rep. 2011 *supra* note 59 at 6.

<sup>77</sup> Nevada Board of Economic Development, Moving Nevada Forward: A Plan for Excellence in Economic Development 2012-2014, 8-9 (2012), available at [https://goed.nv.gov/wp-content/uploads/2018/07/2012\\_NVGOED\\_StatePlan\\_Full.pdf](https://goed.nv.gov/wp-content/uploads/2018/07/2012_NVGOED_StatePlan_Full.pdf) (last visited Aug. 6, 2022) (hereinafter GOED State Plan 2012).

<sup>78</sup> See SRI Int’l, The Future Beyond the Pandemic: Nevada’s Plan for Recovery and Resilience (2020), available at <https://goed.nv.gov/wp-content/uploads/2021/01/Nevada-Recovery-and-Resiliency-Plan-FINAL.pdf> (last visited Aug. 6, 2022) (hereinafter SRI Recovery Report 2022).

chambers of commerce, private businesses, education, investors and nonprofit entities.<sup>79</sup> Importantly, GOED is also charged with coordinating these partners and overseeing all economic development programs in the state to ensure that such programs are consistent with the State Plan, not duplicative, and not conflicting.<sup>80</sup> GOED has broad powers to “reorganize the programs of economic development” in Nevada and “must propose to the Governor changes to state law, if such changes are “necessary to implement the economic development strategy.”<sup>81</sup>

To ensure that Nevada’s economic plan reflects the local landscape and is implemented locally, GOED contracts with Regional Development Authorities (“RDAs”)<sup>82</sup> to provide services to aid, promote, and encourage economic development of Nevada. “RDAs are boots on the ground.”<sup>83</sup> Currently there are eight RDAs.<sup>84</sup> The Executive Director of GOED is also required to meet quarterly with the Southern Nevada Enterprise Community Board, a board established to focus on improving infrastructure and development in the Las Vegas area.<sup>85</sup>

To ensure that Nevada’s economic plan is providing pathways for the development of a skilled workforce, GOED partners with both NDE and NSHE, among others, to provide guidance for education and workforce development partners in target industry sectors relating to curriculum, certifications, and work-based learning.<sup>86</sup> One such initiative is GOED’s Learn and Earn Career Pathways (“LEAP”) framework. LEAP seeks to provide a standard template for career pathway development in Nevada to ensure that workers have the skills they need to succeed in both the short – and long-term, that education institutions know what they need to teach, and that companies have a qualified workforce.<sup>87</sup> The hallmarks of LEAP’s dynamic and responsive framework are: “Fully integrated – credits transfer from high school to college and university; Standardized – qualifications obtained are recognized and applicable across an industry; CTE foundation – pathways are rooted in statewide

<sup>79</sup> See Nev. Rev. Stat. § 231.053(2)(a)(6); see also GOED State Plan 2012 *supra* note 77, at 17-18.

<sup>80</sup> See Nev. Rev. Stat. § 231.055(3)(a).

<sup>81</sup> Nev. Rev. Stat. § 231.053(8).

<sup>82</sup> An RDA is defined as an organization for economic development that is designated by the Executive Director of GOED and is: A local entity; Two or more local governmental entities; A private non-profit entity; or any combination thereof. Selected RDAs are required to timely present strategies for the economic development and diversification of the designated region which aligns with the State Plan for Economic Development. See Nev. Rev. Stat. § 231.009.

<sup>83</sup> See Baumer *supra* note 70. (“[RDAs] communicate with prospective employers and represent their region but, generally, they don’t have the funding to create the workforce development programs employers need. So, each RDA works in partnership with GOED under the GOED umbrella.”)

<sup>84</sup> The current RDAs are: Las Vegas Global Economic Alliance (“LVGEA”), Churchill Fallon Economic Development, Economic Development Authority of Western Nevada, Lincoln County Regional Development Authority, Nevada 95-80 Regional Development Authority, Northeastern Nevada RDA, Northern Nevada Development Authority, and Southwest Central Regional Economic Authority. See GOED Reg’l Dev. Auths., <https://goed.nv.gov/additional-resources/economic-development-partners/regional-development-authority-rda/> (last visited Aug. 6, 2022).

<sup>85</sup> Nev. Rev. Stat. § 231.0543.

<sup>86</sup> GOED is required to, “in consultation with the Nevada System of Higher Education, the Department of Employment, Training and Rehabilitation, the Department of Education and any other person or entity which the Executive Director determines is appropriate, develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada.” Nev. Rev. Stat. § 231.055(5). GOED is also responsible for preparing a list of authorized providers that are eligible to provide programs of workforce recruitment, assessment and training. See Nev. Rev. Stat. § 231.055(6).

<sup>87</sup> See GOED LEAP, <https://goed.nv.gov/programs-incentives/workforce-development/leap/> (last visited Aug. 6, 2022).

CTE standards; Employer Engagement – company participation is an essential component; and LifeLong Learning – enabled through the frameworks “on” and “off” ramps.”<sup>88</sup> In October 2016, the Nevada State Board of Education and the Nevada Board of Regents met in a historic joint session and passed a joint resolution to express support for fully integrated, effective, and clear career pathways through Nevada’s public education system, including LEAP.<sup>89</sup>

GOED is also charged with administering a number of workforce development funding streams. In 2016, the state of Nevada established the Workforce Innovations for a New Nevada program (“WINN”) to support Nevada’s economic development through implementation of workforce development programs that prioritize the recruitment, assessment and training of a highly skilled workforce.<sup>90</sup> A total of 19 projects have been approved for WINN funding since 2016, for a total of \$10,608,014.07 in obligations.<sup>91</sup> Project applications must align with the State’s Economic Development Plan and the WIOA Unified State Plan to prioritize workforce shortages identified therein.<sup>92</sup> For example, in rural Nevada, Western Nevada College used a WINN grant, along with foundation and private sector funds, for an \$800,000 project to buy and hollow out a box trailer and create a mobile industrial technology lab that can be hauled by pickup to rural locations in northern Nevada. Also, the College of Southern Nevada received a WINN grant of close to \$2 million to add an advanced manufacturing rapid response program to its Henderson campus, making it possible for at least 200 Nevadans, annually, to get training in this growing target industry.<sup>93</sup>

### Governor’s Office of Workforce Innovation (“GOWINN”)

The Governor’s Office of Workforce Innovation (“GOWINN”) is Nevada’s principal *workforce* development agency. Created by Governor Sandoval in 2016, GOWINN is a sister agency to GOED and is charged with developing a skilled, diverse workforce by bringing together entities focused on workforce development from education to industry partners.<sup>94</sup> GOWINN sits under the administrative umbrella of DETR, an agency that also

<sup>88</sup> *Id.*

<sup>89</sup> See GOED Timeline-How Far We Have Come, available at <https://goed.nv.gov/wp-content/uploads/2018/12/LEAP-Timeline.pdf> (last visited Aug. 6, 2022).

<sup>90</sup> See GOED, 2021 Biennial Report: Workforce Innovations for a New Nevada, 2, available at [https://www.leg.state.nv.us/Division/Research/Documents/RTTL\\_NRS231.1513\\_2021.pdf](https://www.leg.state.nv.us/Division/Research/Documents/RTTL_NRS231.1513_2021.pdf) (last accessed Aug. 6, 2022) (hereinafter WINN 2021 Biennial Report).

<sup>91</sup> See *id.* at 8 (for a full list and brief description of the 19 projects see pages 10-27).

<sup>92</sup> See *id.* at 5 (in determining programs eligible for WINN funds, particular attention is paid to projects providing certificates and credentials in the Manufacturing, Logistics, Mining, Information Technology and Healthcare sectors.)

<sup>93</sup> See Baumer *supra* note 70.

<sup>94</sup> Nev. Exec. Order No. 2016-08; see also Baumer *supra* note 70. During the 79th Legislative Session, Senate Bill 516 was approved by the Nevada Legislature and signed into law by Governor Sandoval codifying GOWINN into state statute.

focuses on workforce development.<sup>95</sup> GOWINN is led by an Executive Director who, along with his or her staff, carries out the duties of the office.<sup>96</sup>

As the state agency addressing Nevada’s key workforce priorities by strengthening cooperation and collaboration across state agency partners and stakeholders, GOWINN is well-positioned to connect and align the undertakings of Nevada’s core workforce players, particularly in the area of workforce development through education. Among its priorities, GOWINN is working to create more pathways from education to employment, scale apprenticeships and work-based learning, and build consensus around industry-recognized credentials.<sup>97</sup> By prioritizing these education-focused workforce development initiatives, GOWINN seeks to prepare all K-12 students for college and career success, increase the number of individuals with postsecondary degrees and credentials, and increase employment outcomes in training and credentialing programs. GOWINN’s initiatives include:

Strengthening the Workforce Development System	
<p>National Governors’ Association Center for Best Practices Workforce Innovation Network (“NGA WIN”) Grant</p>	<p>To help build capacity for innovation across the workforce system, Nevada was selected to join the inaugural cohort of the National Governors Association Center for Best Practices Workforce Innovation Network (“NGA WIN”). In March 2021, it received \$100,000 to design, launch, and scale innovations to improve its jobseeker service delivery systems, support project coordination and implementation, conduct research, invest in technological solutions, and launch marketing and outreach initiatives to drive user engagement in new employment tools and products. Nevada engaged a third-party to assist with the above and generate a report with recommendations.</p> <p>One of the priorities identified under the NGA WIN Grant report is the drafting of comprehensive asset maps of Nevada’s workforce development ecosystem. “GOWINN has begun to capture multi-stakeholder activities and combine findings into a single comprehensive resource. GOWINN has</p>

<sup>95</sup> Like GOED, GOWINN originally sat within the Governor’s Office, but in June 2021 was moved under DETR. *See Nev. Ass. Bill 459; see also GOWINN Annual Report, 6 (2022), available at [https://gowinn.nv.gov/uploadedFiles/owinn.nv.gov/Content/GWDB/2022-03\\_AnnualReport\\_GOWINN.pdf](https://gowinn.nv.gov/uploadedFiles/owinn.nv.gov/Content/GWDB/2022-03_AnnualReport_GOWINN.pdf)* (last visited Aug. 6, 2022) (hereinafter GOWINN Annual Rep. 2022). In a January 2022 report for the National Governors Association Workforce Innovation Network Grant, it was recommended that GOWINN be moved back to the Governor’s Office to “fulfill its legislatively defined role of cross-agency coordination.” *Id.* at 17.

<sup>96</sup> The current Executive Director of GOWINN is Lisa Levine, who assumed the role on July 25, 2022 replacing Isla Young who has led the agency since February 2021. Press Release, Governor’s Office of Workforce Innovation Welcomes New Leadership Lisa Levine named Executive Director (July 25, 2022), available at <https://cms.detr.nv.gov/Content/Media/GOWINN-Lisa-Levine.pdf> (last visited Aug. 6, 2022).

<sup>97</sup> *See GOWINN Annual Rep. supra* note 95 at 6.

	<p>also begun to research best practices and identify a vendor that may take the work that has been done to produce an interactive visualization that will serve as the face of the state’s systemwide workforce resource.”<sup>98</sup></p>
<p>Career Pathway Initiatives</p>	
<p>Project SANDI (Supporting and Advocating Nevada’s Dislocated Individuals)</p>	<p>Project SANDI is a three-year \$13.8 million grant awarded in 2020 that supports career pathways for dislocated, underemployed, and new job seekers in Nevada who have been adversely affected by the COVID-19 pandemic. The goal of the program is to provide training to 1,600 individuals statewide.</p> <p>The Project seeks to “modernize the current workforce system to support translating skills and work experience into credentials, expand the use of digital platforms (including virtual reality) to remotely offer accelerated training and degree programs at community colleges and public libraries for in-demand careers, build an enhanced career navigation tool (Nevada Career Explorer); and develop an online, self-paced entrepreneurship module that will be embedded into training and educational programs within the Nevada Community College system.”<sup>99</sup></p> <p>Since its inception, Project SANDI efforts have resulted in an education and training catalog of over 90 short-term credential and licensing trainings available at the state’s four community colleges and training partners outside the NSHE system.<sup>100</sup> For example, Western Nevada College uses SANDI grants to offer one-semester completion programs with industry standard certification, such as in manufacturing technician, designed to fill workforce gaps and get people to work. Truckee Meadows Community College has 38 accelerated workforce training programs with help from SANDI.<sup>101</sup></p>
<p>Nevada SkillsMatch</p>	<p>Also in the career-pathways space, GOWINN and GOED have leveraged CARES Act funding to launch the Nevada SkillsMatch tool for individuals, particularly those impacted by the COVID-19 pandemic, looking to apply their experiences to new career opportunities. To date, thousands of Nevadans have utilized this tool.<sup>102</sup></p> <p>The Nevada SkillsMatch tool helps users translate their education and experiences into skills that can be applied to new careers. The platform inventories an individual’s past experience, training, and career goals and, with this information, identifies career areas that match those interests and</p>

<sup>98</sup> See *id.* at 9.

<sup>99</sup> See *id.* at 10.

<sup>100</sup> See *id.* at 10.

<sup>101</sup> See Baumer *supra* note 70.

<sup>102</sup> See GOWINN Annual Rep. *supra* note 95 at 14.

	skills, training needed to fill any gaps, including personalized training opportunities. The platform also produces live and local job postings based on the individual’s current and sought-after skill set. <sup>103</sup>
Nepris	GOWINN and NDE partnered to launch Nepris for Nevada, a digital platform that brings real-world career exposure to students through live, virtual connections with industry professionals. <sup>104</sup> More than 8,000 Nevada teachers and 90 industry professionals are currently enrolled on the platform, and thousands of Nevada students have utilized the platform since the June 2021 launch. <sup>105</sup> The goal is for all 567 middle and high schools, public or charter, in Nevada to have full access to the Nepris platform. <sup>106</sup>
Support for Educators in Developing career Pathways	<p>To better align and support in-demand career pathways in Nevada, GOWINN partnered with NDE to pull the 25+ Work-based Learning Coordinators in Nevada’s school districts together to discuss current efforts, offer support, and discuss upcoming opportunities.<sup>107</sup></p> <p>Between August and October 2021, GOWINN supported NDE’s Teacher Externship program to connect the state’s middle and high school teachers, counselors, and administrators with employers in various industries such as healthcare, technology, hospitality, and law enforcement in a two-day job shadowing experience. Many continue to engage with their host employer to organize interactions with students, either through in-person tours of their worksite or through Nepris for Nevada.<sup>108</sup></p> <p>In partnership with Amazon Web Services (“AWS”), NDE, NSHE, and GOWINN have formalized efforts to enhance access to the AWS Academy to bring cloud computing training and certification to educators in Nevada’s public institutions.<sup>109</sup></p>
LifeWorks	LifeWorks was funded through the New Skills for Youth (“NSFY”) grant that was awarded to the NDE by JPMorgan Chase & Co.. Nevada was one of only 10 states awarded the NSFY grant, and the only western state. Nevada’s four-year NSFY/LifeWorks initiative supports the state’s education-to-workforce development system through demand-driven career preparation frameworks. Phase 1 resulted in states receiving the NSFY grant of \$100K to develop career readiness action plans. In January of 2017, Nevada was one of 10 states awarded Phase 2 of the NSFY grant of \$1.95M

<sup>103</sup> GOWINN and GOED, NevadaSkills Match One Pager, available at <https://goed.nv.gov/wp-content/uploads/2020/12/OWINN-one-page-v4.pdf> (last visited Aug. 6, 2022).

<sup>104</sup> See Baumer *supra* note 70; see also GOWINN Annual Rep. *supra* note 95 at 14.

<sup>105</sup> See GOWINN Annual Rep. *supra* note 95 at 14.

<sup>106</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 51.

<sup>107</sup> See GOWINN Annual Rep. *supra* note 95 at 14.

<sup>108</sup> See *id.*

<sup>109</sup> See *id.*

	<p>to embark on a collaborative statewide effort to refine and implement Nevada’s career readiness action plan.<sup>110</sup></p> <p>As part of this effort, Nevada launched LifeWorksNV.org, which serves as the centralized one-stop informational center for all work-based learning opportunities in Nevada.<sup>111</sup> Users can find internships, apprenticeships, on-the-job training and CTE programs, as well as learn about in-demand occupations and skills. Pathways through LifeWorks include earning a college- or career-ready diploma; obtaining the ACT National Career Readiness Certification; participating in work-based learning programs; studying in career and technical education programs; dual enrollment/dual credit courses; and apprenticeship programs.<sup>112</sup></p>
<p>Apprenticeships and Work-based Learning</p>	
<p>“Accelerating Nevada Apprenticeships for All” Grant</p>	<p>In June 2021, GOWINN received a \$3,999,997.00 grant from the DOL’s ETA for its “Accelerating Nevada Apprenticeships for All” program. This grant will support increased enrollments in Registered Apprenticeship Programs in high-growth, high-demand careers in healthcare, information technology, and advanced manufacturing. The goal is to serve 500 participants, particularly individuals in southern Nevada, who will receive training and enter a Registered Apprenticeship Program.<sup>113</sup></p>
<p>“Building State Capacity to Expand Apprenticeship through Innovation” Grant</p>	<p>In July 2020, GOWINN was awarded a \$450,000 grant from the DOL’s ETA to support activities that improve the state’s ability to serve, improve and expand the Registered Apprenticeship Program model by strengthening the national apprenticeship system, promoting system alignment and partnership, and improving data sharing and data integrity.<sup>114</sup></p>
<p>Additional Apprenticeship Expansion Initiatives</p>	<p>GOWINN, in partnership with NSHE among others, helped support the registration of non-construction apprenticeship occupations such as Medical Assistant, Licensed Practical Nurse, Medical Front Office Representative, Pharmacy Technician, Certified Nursing Assistant, Emergency Medical Technician, Software Developer, Digital Marketer, Computer User Support Specialist, and Network Support Specialist. At least 135 individuals have been registered in these programs and placed in paid employment as</p>

<sup>110</sup> See New Skills for Youth: Nevada’s Lifeworks Biennial Report 2017-2019 5; available at [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Lifeworks/NDOE\\_LifeWorks\\_Annual%20Report.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Lifeworks/NDOE_LifeWorks_Annual%20Report.pdf) (last visited Aug. 6, 2022) (hereinafter LifeWorks Biennial Rep. 2017-19).

<sup>111</sup> See *id.* at 10.

<sup>112</sup> See LifeWorks: About, <https://lifeworksnv.org/about/> (last visited Aug. 6, 2022).

<sup>113</sup> See GOWINN Annual Rep. *supra* note 95 at 10.

<sup>114</sup> Press Release, Corrected U.S. Dep’t of Labor Awards More Than \$81 Million in Grants to Expand Registered Apprenticeship in 42 States and Territories (July 1, 2020), available at <https://www.dol.gov/newsroom/releases/eta/eta20200701> (last visited Aug. 6, 2022).

	<p>apprentices, 75 of which are considered youth (16-24 years old).<sup>115</sup></p> <p>This work has also strengthened pathways between school districts and employers to establish formal pre-apprenticeship programs that align with existing CTE programs. The Emergency Medical Technician and Certified Nursing Assistant programs were selected to pilot the concept.<sup>116</sup></p>
H-1B <sup>117</sup> Healthcare Grant	<p>GOWINN, in partnership with Nevadaworks, northern Nevada’s local workforce development board, was awarded a four-year, \$2.5 million H-1B Rural Healthcare Grant from the U.S. Department of Labor. This grant will strengthen the state’s efforts to develop the allied healthcare workforce system through job training programs across northern Nevada communities. The Nevada Hospital Association has enrolled at least 18 participants and is working to expand program participation throughout the region with the goal of impacting 130 individuals in Nevada’s rural communities.<sup>118</sup></p>
National Governors Association Work-Based Learning Policy Academy	<p>In January 2021, GOWINN was selected by the National Governor’s Association (NGA) to serve as a mentor state in their Work-based Learning Policy Academy. At several learning session events throughout the year, GOWINN and other state partners highlighted how work-based learning is being leveraged as a key component in the state’s workforce development strategy.<sup>119</sup></p>
Industry-Recognized Credentials	
Overhaul of Nevada’s Industry-Recognized Credentials List <sup>120</sup>	<p>In 2021, GOWINN “overhauled the state’s industry-recognized credentials list to include the type of credential, related higher education CIP code and description, and link to find more information on the credential. After researching national demand and best practices, the GOWINN team expanded the list to include more credentials in Nevada’s high-priority industries and launched a new online form to request credentials be added to the industry-recognized list, which has simplified and streamlined</p>

<sup>115</sup> See GOWINN Annual Rep. *supra* note 95 at 11-12.

<sup>116</sup> See *id.* at 12.

<sup>117</sup> “H-1B Skills Training Grants fund projects that provide training and related activities to workers to assist them in gaining the skills and competencies needed to obtain or upgrade employment in high-growth industries or economic sectors. These grants are supported by user fees paid by employers seeking high-skilled foreign workers under the H-1B visa program. The goal of the training grants is to prepare Americans for high skill jobs, reducing the dependence on foreign labor. Funds are authorized by Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (29 USC 3224a).” U.S. Dep’t of Labor, Empl. and Training Admin., H-1B Skills Training Grants, available at <https://www.dol.gov/agencies/eta/skills-grants/h1-b-skills-training> (last visited Aug. 6, 2022).

<sup>118</sup> See GOWINN Annual Rep. *supra* note 95 at 10.

<sup>119</sup> See *id.* at 11.

<sup>120</sup> As outlined in Nev. Sen. Bill 516, GOWINN, in consultation with the GWDB, must identify industry-recognized credentials. Nev. Sen. Bill 526 (2017) § 20(4)(d).

	<p>administration of the list.”<sup>121</sup></p> <p>Additionally, in 2021 GOWINN provided funding to subsidize industry-recognized credentials and associated costs, such as licensing fees, for 65 high school seniors about to enter the workforce in the state’s designated priority industries.<sup>122</sup></p> <p>Finally, GOWINN, along with representatives from DETR, NDE, NSHE, GOED, and several community-based organizations, is participating in the National Skills Coalition’s 2021-2022 Quality Postsecondary Credential Policy Academy.<sup>123</sup></p>
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One of GOWINN’s additional responsibilities is to serve as administrator of the Nevada P20 to Workforce Research Data System (“NPWR”).<sup>124</sup> NPWR is a data compilation tool used by state agencies to understand the trends shaping the state’s education and workforce outcomes. GOWINN has sought to expand efforts of the Nevada NPWR system to incorporate additional state agency partners, such as Nevada Departments of Motor Vehicles, Corrections, and Veteran Services, for further data match results that will allow updates of past reports and inclusion of future reports to better inform areas of workforce policy and practice in Nevada.<sup>125</sup> Additionally, in partnership with the LifeWorks initiative discussed above, GOWINN developed a new CTE report and dashboard within NPWR. This report automated many of the data reporting requirements and created a public facing dashboard that provides interactive data visualizations that report on various outcomes for CTE students including their ACT scores, high school graduation, postsecondary continuation, concentration, persistence, and graduation.<sup>126</sup> In 2019, also in partnership with LifeWorks, Nevada supported expansion of the data capturing and reporting capabilities of NPWR, adding additional modules to include LifeWorks data points, such as CTE, work-based learning, and enhanced dual credit data.<sup>127</sup>

Finally, among GOWINN’s duties is administrative responsibility for the Governor’s Workforce Development Board (“GWDB”), Nevada’s WIOA entity, which is discussed in further detail below. As part of its administrative mandate over GWDB, GOWINN recently re-launched industry sector councils – employer-driven councils covering healthcare, IT, logistics and manufacturing. The councils pull together industry employers who help GOED, GOWINN and the GWDB understand their needs in order to shape effective workforce development programs. GOWINN is charged with reporting on those recommendations to a variety of workforce development stakeholders, including the GWDB, NSHE, NDE, DETR, school boards, and local workforce boards. GOWINN, along with representatives from DETR, NDE Adult Education, and the state’s two local workforce development boards, participated in a multi-state Evaluation Peer Learning Cohort facilitated by

<sup>121</sup> See GOWINN Annual Rep. *supra* note 95 at 13.

<sup>122</sup> See *id.* at 13.

<sup>123</sup> See *id.*

<sup>124</sup> See Nev. Sen. Bill 516 (2017) § 20(4)(e) and (f).

<sup>125</sup> See GOWINN Annual Rep. *supra* note 95 at 12.

<sup>126</sup> See LifeWorks Biennial Rep. 2017-19, *supra* note 110 at 12.

<sup>127</sup> See *id.*

the U.S. Department of Labor to build capacity to meet the research and evaluation requirements for all WIOA title programs.<sup>128</sup>

## Nevada Department of Employment, Training and Rehabilitation (“DETR”)

The Department of Employment, Training & Rehabilitation (DETR) is a critical partner in Nevada’s economic and workforce development.<sup>129</sup> As codified, DETR is charged with “planning, coordinating and carrying out various services and activities designed to achieve and support employment and economic independence for residents of this state who are disadvantaged, displaced or disabled.”<sup>130</sup> To that end, DETR is home to the Employment Security Division, the Rehabilitation Division and the Nevada Equal Rights Commission. DETR also appears to provide broader fiscal and administrative oversight of the workforce development system.<sup>131</sup> GOWINN, the Commission on Postsecondary Education—the predominant licensing authority of private postsecondary educational institutions operating in Nevada—and the Research and Analysis Bureau—Nevada’s primary provider of workforce data and information on employment, unemployment, wages, projections—are also all under DETR’s administrative umbrella.<sup>132</sup>

Many of DETR’s workforce-related services, job placement and training, services for people with disabilities, investigation of claims of discrimination, unemployment insurance services, and labor market data services are provided through Nevada JobConnect career centers.<sup>133</sup> Nevada JobConnect, based on the “One-Stop” concept, is a series of neighborhood career centers where prospective employees have access to a wide array of job training, education, and employment services.<sup>134</sup> Through Nevada JobConnect, employers also have a single point of contact to provide information about current and future skills needed by their workers and to list job openings.<sup>135</sup>

<sup>128</sup> See GOWINN Annual Rep. *supra* note 95 at 9.

<sup>129</sup> DETR is headed by Director Elisa Caferetta, who was appointed by Governor Sisolak in January 2021. Ms. Caferetta was previously DETR’s acting director since August 2020. Press Release, Governor Sisolak Appoints Elisa Cafferata as Director of Department of Employment, Training and Rehabilitation (January 26, 2021), *available at* [https://gov.nv.gov/News/Press/2021/Governor\\_Sisolak\\_Appoints\\_Elisa\\_Cafferata\\_as\\_Director\\_of\\_Department\\_of\\_Employment\\_Training\\_and\\_Rehabilitation/](https://gov.nv.gov/News/Press/2021/Governor_Sisolak_Appoints_Elisa_Cafferata_as_Director_of_Department_of_Employment_Training_and_Rehabilitation/) (last visited Aug. 6, 2022).

<sup>130</sup> See Nev. Rev. Stat. § 232.910.

<sup>131</sup> Most public workforce funds go to the agency to provide workforce services or pass them into regions to create public workforce services. DETR makes sure certain policies are in place with regard to where public workforce investments are going, and that they match the direction of state and economic development. See Baumer *supra* note 70

<sup>132</sup> DETR About Us, *available at* [https://detr.nv.gov/page/About\\_Us](https://detr.nv.gov/page/About_Us) (last visited Aug. 6, 2022). The following sit under DETR: Employment Security Division; Rehabilitation Division; GOWINN; Nevada Equal Rights Commission; the Commission on Postsecondary Education, and the Research and Analysis Bureau.

<sup>133</sup> *Id.*

<sup>134</sup> DETR JobConnect, *available at* [https://detr.nv.gov/Page/Nevada\\_JobConnect](https://detr.nv.gov/Page/Nevada_JobConnect) (last visited Aug. 6, 2022). There are currently 11 locations throughout the state.

<sup>135</sup> *Id.*

## Governor’s Workforce Development Board (“GWDB”)

In compliance with the requirements of the WIOA, Nevada has established the Governor’s Workforce Development Board.<sup>136</sup> The GWDB is under the administrative umbrella of GOWINN. The composition of the GWDB tracks the requirements of the WIOA and includes: The Governor (or his designee), one member of each chamber of the Nevada State Legislature, two or more chief local elected officials, representatives of business, representatives of the workforce, and representatives of state government with primary responsibilities for the core programs of the WIOA.<sup>137</sup>

GWDB is tasked with fulfilling the regulatory requirements of the WIOA in Nevada, including: promoting a system of workforce development that responds to the needs of Nevada workers, advising the Governor and Legislature on workforce development policy, including development and implementation of the State Plan, encourage public-private partnerships, facilitating innovation among educators, employers and labor groups, and evaluating program procedures and results to support high standards and continuous improvement of the workforce system.<sup>138</sup> The GWDB meets at least once a quarter.<sup>139</sup> The GWDB must “give priority to job training and education programs that are consistent with the State Plan for Economic Development” developed by GOED under NRS 231.053(2). The GWDB must also “consult with the executive director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development.”<sup>140</sup>

To assist and expedite the work of the GWDB, Nevada has created an executive committee of the GWDB.<sup>141</sup> The executive committee, appointed by the Governor, is comprised of no more than nine members of the GWDB, including the current chair of the GWDB, four members representing business or the workforce, one member representing state government, one member representing local government, one member representing

<sup>136</sup> GWDB was established in accordance with Section 111 of the WIA, as reauthorized in Section 101 of the WIOA. The GWDB is codified in Nev. Exec. Order 2015-08, and further outlined in Nev. Exec. Order 2016-08; *see also* Nev. Rev. Stat. § 232.935 (originally codified as the Governor’s Workforce Investment Board. The name was changed by Executive Order 2015-08, but has not been changed in the statute).

<sup>137</sup> *See* Nev. Ex. Order 2015-08. For some time, many positions on the GWDB had been vacant. On June 6, 2022, Governor Sisolak announced the appointment of 11 members to the GWDB. *See* Press Release, Governor Sisolak announces appointments for the month of May (June 6, 2022), available at [https://gov.nv.gov/News/Press/2022/2022-06-06\\_MayAppointments/](https://gov.nv.gov/News/Press/2022/2022-06-06_MayAppointments/) (last visited Aug. 6, 2022). As of June 30, 2022, the GWDB only had two vacancies: one chief local elected official and one representative of the businesses industry.

<sup>138</sup> State WDB functions are authorized in WIOA Section 101(d).

<sup>139</sup> The GWDB holds its meetings pursuant to Nevada’s Open Meeting Law, Nev. Rev. Stat. Section 241.020, ensuring transparency and allowing for public participation and comment. *See* Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 62.

<sup>140</sup> Nev. Rev. Stat. § 232.935(6).

<sup>141</sup> *See* Nev. Ex. Order 2016-08 § 2.

higher education, and, one member representing either K-12 education or local workforce training programs.<sup>142</sup> The executive committee is tasked with evaluating reports from GOWINN, and making recommendations to the GWDB regarding the allocation of workforce development funds within the GWDB's purview.<sup>143</sup> In carrying out its functions, the executive committee is authorized to exercise any power and take any action that is within the authority of the GWDB.

To further its important work of aligning workforce development activities with the economic needs of in-demand industries, GWDB has established industry sector councils.<sup>144</sup> The mission of the industry sector councils is to bring together decision makers from business, government, education, labor, and industry professional groups to identify and address the delivery of industry-specific training and workforce development initiatives.<sup>145</sup> The eight industry sector councils are: Aerospace and Defense; Construction; Health Care and Medical Services; Information Technology; Manufacturing and Logistics; Mining and Materials; Natural Resources; and Tourism, Gaming and Entertainment.<sup>146</sup> The industry sector councils issue recommendations and insights based upon short- and long-term employment and occupational forecasts, make recommendations concerning the necessary skill and education requirements for in-demand jobs, and identify job training opportunities and education programs determined to have the greatest likelihood of success in meeting Nevada's workforce needs.<sup>147</sup>

Between the end of 2018 and the end of 2021, the industry sector councils did not meet biannually due to changes in GOWINN leadership, difficulties in convening meetings due to the COVID-19 pandemic, and the decline in sector council membership.<sup>148</sup> In 2021, GOWINN led efforts to revitalize the industry sector councils. After extended outreach to key workforce development stakeholders in the state, and with formal approval from the GWDB, GOWINN will serve as the lead facilitator for the initial relaunching of four industry sector councils: Manufacturing, Logistics, Technology, and Healthcare. The remaining sector councils will be reactivated when the model for the first four is proven valuable and administrative capacity allows.<sup>149</sup>

In August 2020, to focus on specific needs, the GWDB endorsed the creation of the following four subcommittees, consisting of GWDB members and non-members who are active in the state workforce development system:<sup>150</sup> The Strategic Planning Subcommittee, whose duties include advising and assisting in the alignment of the WIOA state plan, Perkins plan and local plans; The Performance and Reporting Subcommittee, whose duties include commending performance metrics for all WIOA title programs and assisting with data and

<sup>142</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 62.

<sup>143</sup> See *id.*

<sup>144</sup> Nev. Exec. Order 2016-08; see also Nev. Rev. Stat. § 232.935.

<sup>145</sup> Industry sector councils shall consist of no more than seven members, with at least four members of each council representing businesses in the targeted industry. See Nev. Exec. Order 2016-08.

<sup>146</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 63.

<sup>147</sup> See *id.* at 65.

<sup>148</sup> See *id.*

<sup>149</sup> See *id.* at 63.

<sup>150</sup> See *id.*

performance tracking strategies; The Barriers and Underserved Populations Subcommittee, whose duties include identifying barriers to employment and economic mobility that Nevadans face such as onerous occupational licensing regulations; and The Continuous Improvement Subcommittee, whose duties include designating local areas under WIOA Section 106, after consultation with local boards and chief elected officials, and developing strategies to support staff training and awareness across programs supported under the workforce development system.<sup>151</sup>

### Local Workforce Development Boards (“Local WDB”)

The WIOA also calls for the establishment of local workforce boards to set policy within local areas. Nevada currently has two local boards, Workforce Connections in the southern part of the state, which provides services to a geographic area of more than 40,000 square miles (Clark, Lincoln, Nye and Esmeralda counties) and a population exceeding 1.5 million people (age 16 and older), and Nevadaworks in northern Nevada, which provides services to a geographic area of over 70,000 square miles (Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe, and White Pine) with a population of roughly 750,000 people.<sup>152</sup> In accordance with the requirements of the WIOA, the Local WDBs administer workforce development programs in their respective geographic areas where they are responsible for providing both worker and employer services.<sup>153</sup>

Recently, Nevadaworks was awarded a \$14,895,601 grant by the U.S. Economic Development Administration (“EDA”) within the U.S. Chamber of Commerce as part of the EDA’s \$500 million Good Jobs Challenge, aimed at supporting equitable pathways to quality jobs across the country.<sup>154</sup> The grant for Nevadaworks is expected to support job placement for 648 jobs with a focus on healthcare, information technology, manufacturing, and the transportation, distribution and logistics industries.<sup>155</sup>

### Governor’s Office of Science, Innovation and Technology (“OSIT”)

The Governor’s Office of Science, Innovation, and Technology (“OSIT”) was created in 2015 to support Nevada’s economic development strategy in the area of science, technology, engineering, and mathematics (“STEM”) education.<sup>156</sup> Its mission is to “coordinate and align efforts by K-12 and higher education, workforce

<sup>151</sup> *See id.* at 64-65.

<sup>152</sup> *See id.* at 41.

<sup>153</sup> There does not appear to be a statute or rule requiring that the Local WDBs collaborate with the RDAs discussed above. However, the Executive Director of the Las Vegas Global Economic Alliance RDA is on the Board of Workforce Connections and vice-versa.

<sup>154</sup> Press Release, U.S. Economic Development Administration awards Nevada organization \$14 million for workforce development program, (Aug. 3, 2022), available at [https://gov.nv.gov/News/Press/2022/2022-08-03\\_workforce/](https://gov.nv.gov/News/Press/2022/2022-08-03_workforce/) (last visited Aug. 6, 2022).

<sup>155</sup> *See id.*

<sup>156</sup> *See Nev. Rev. Stat.* § 223.600.

development, and employers to improve STEM education, STEM workforce development, and STEM economic development so that Nevada’s workforce can meet the demands of its growing economy.”<sup>157</sup> It is also tasked with “coordinating the planning, mapping, and procurement of broadband to ensure connectivity across Nevada for schools, libraries, hospitals, clinics and communities meets national Standards.”<sup>158</sup> The office also supports the Advisory Council on STEM.<sup>159</sup> The Council is charged with “... developing a strategic plan for the development of educational resources in the fields of science, technology, engineering, and mathematics to serve as a foundation for workforce development, college preparedness and economic development in Nevada.”<sup>160</sup> The Council is also charged with recognizing students and schools, and conducting surveys regarding the state of STEM education in Nevada.

OSIT has a number of STEM education and workforce development programs that build interest and familiarity with STEM starting in early grades and provide industry-demanded skills and training in secondary and postsecondary settings.<sup>161</sup> OSIT’s flagship STEM workforce development program, STEM Workforce Challenge Grants, seeks to spark the creation of lasting partnerships between industry and workforce providers. Between 2015 and 2019, OSIT awarded over \$4.1 million in grants to at least 30 programs in STEM industry sectors, including information technology and cybersecurity, advanced manufacturing, healthcare, construction, and aviation and unmanned aerial systems.<sup>162</sup>

In addition to these grants, OSIT has partnered with NDE and provided nearly \$500,000 to seven high schools throughout the state to build new CTE cybersecurity programs.<sup>163</sup> These programs will establish partnerships with previously funded postsecondary cybersecurity programs to provide pathways to employment in this growing field.<sup>164</sup> OSIT also leads the state’s efforts to grow its physician workforce by expanding the number and capacity of physician residency and fellowship programs. Since 2015, OSIT has awarded 24 grants totaling \$20 million to Accreditation Council Graduate Medical Education accredited institutions to create or expand graduate medical education programs in the state. These new programs have a total training capacity of over 130 residents across 14 different specialties and subspecialties.<sup>165</sup>

<sup>157</sup> Nevada Governor’s Office of Science, Innovation & Technology, About, available at <https://osit.nv.gov/About/About/> (last visited Aug. 6, 2022).

<sup>158</sup> *Id.*

<sup>159</sup> State of Nevada Advisory Council on Science, Technology, Engineering, and Mathematics - STEM Strategic Plan 2017 4-5, available at <https://osit.nv.gov/uploadedFiles/osit.nv.gov/Content/STEM/A%20STEM%20Strategic%20Plan%20for%20Nevada%20Final.pdf> (last visited Aug. 6, 2022).

<sup>160</sup> Nev. Rev. Stat. § 385.705.

<sup>161</sup> See Advisory Council on STEM Strategic Plan 2017, *supra* note 159 at 6-15.

<sup>162</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 30.

<sup>163</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 30-31.

<sup>164</sup> See Nev. WIOA Unified Plan 2022-23 *supra* note 70 at 31.

<sup>165</sup> Nevada Governor’s Office of Science, Innovation & Technology: Graduate Medical Education, available at <https://osit.nv.gov/GME/home/> (last visited Aug. 6, 2022).

## Nevada Education Entities

Nevada’s secondary and postsecondary education systems are critical partners in the state’s economic and workforce development system. The Nevada Department of Education (“NDE”) is an executive state agency that works to provide comprehensive pre-K-12 programs throughout the state. Under the leadership of the State Board of Education, NDE leads and collaborates with Nevada’s 17 school districts and the State Public Charter School Authority and impacts the achievement of more than half a million children and 30,000 educators.<sup>166</sup> NDE develops and implements education policy, conducts educator licensure, and supports students, families, schools, educators, and districts via programmatic and technical support.

NDE’s Office of Career Readiness, Adult Learning, and Education Options (CRALEO) serves as the eligible state agency for Perkins grant funding. In 2022, Nevada is estimated to receive \$12,351,751 in Perkins V Title I funding.<sup>167</sup> In 2019-20, there were 93,342 participants in CTE in Nevada.<sup>168</sup> NDE’s CRALEO is also responsible for the development and submissions of the Perkins V consolidated four-year state plan, the most recent of which is the 2021-2023 plan. As reported in that plan, Nevada has 76 Nevada State Board of Education approved CTE of study organized under the following six program areas: Agriculture and Natural Resources; Business and Marketing Education; Health Sciences and Public Safety; Hospitality, Human Services and Education; Information and Media Technologies; and Skilled and Technical Sciences.<sup>169</sup> Each program area includes: “(1) a program of study that incorporates an academic plan, career pathway information to high-skill, high-wage, or in-demand occupations and industry sectors, career and technical student organization information, work-based learning opportunities, related CTE assessments, postsecondary options, state articulation agreements for CTE college credit, and state-recognized industry certifications; (2) Nevada State Board of Education approved program standards for each program of study within that area; and (3) curricular frameworks that are a resource for Nevada’s public schools to design and implement, curriculum.”<sup>170</sup>

<sup>166</sup> See Press Release, NSHE and NDE Team Up to Push Dual Enrollment Opportunities (Dec. 17, 2020), *available at* <https://nshe.nevada.edu/2020/12/nshe-and-nde-team-up-to-push-dual-enrollment-opportunities/> (last visited Aug. 6, 2022).

<sup>167</sup> See U.S. Dep’t of Ed. Program Memo: Estimated Fiscal Year (FY) 2022 State Allocations under the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), April 7, 2022, *available at* [https://s3.amazonaws.com/PCRN/file/Program\\_Memo-Estimated\\_FY\\_2022\\_Perkins\\_State\\_Allocations.pdf](https://s3.amazonaws.com/PCRN/file/Program_Memo-Estimated_FY_2022_Perkins_State_Allocations.pdf) (last visited Aug. 6, 2022).

<sup>168</sup> See Perkins Collaborative Research Network: State Profiles Nevada, *available at* <https://cte.ed.gov/profiles/nevada> (last visited Aug. 6 2022).

<sup>169</sup> Nevada’s NDE Perkins V State Plan FY 2020-2023, 16, *available at* [https://s3.amazonaws.com/PCRN/docs/stateplan/NV\\_2020\\_State\\_Plan.pdf](https://s3.amazonaws.com/PCRN/docs/stateplan/NV_2020_State_Plan.pdf) (last visited Aug. 6, 2022) (hereinafter Perkins V State Plan 2020-23). These six program areas are further divided in 16 career clusters. The top four career clusters among secondary CTE concentrators were Arts, AV, & Communications (24.9 percent), Health Science (14.8 percent), Hospitality & Tourism (13.3 percent), and Information Technology (9.1 percent). The top four career clusters among postsecondary CTE concentrators were Health Science (21.1 percent), Business Management & Administration (19.7 percent), Architecture & Construction (12.9 percent), and Law, Public Safety, Corrections & Security (12.1 percent). See Perkins Collaborative Research Network: State Profiles Nevada Career Cluster Enrollment, *available at* <https://cte.ed.gov/profiles/nevada> (last visited Aug. 6, 2022).

<sup>170</sup> Perkins V State Plan 2020-23, *supra* note 169 at 16.

In order to have quality CTE programs, there must be quality CTE teachers. Such teachers must be recruited, trained, and retained. With respect to recruitment, there is currently an unprecedented shortage of educators in Nevada, including in the Clark County School District, which has over 2,000 vacant positions, of which 1,400 are seeking licensed educators.<sup>171</sup> There are a number of initiatives in progress to attempt to bolster the educator pipeline. The Nevada Department of Education invested \$20.7M of federal relief funds in the “Incentivizing Pathways to Teaching” Grant Program (IPT Grant Program), which will grow Nevada’s educator workforce by providing stipends to support pre-service educators as they complete coursework or student teaching at a Nevada System of Higher Education (NSHE) institution or other approved educator preparation program.<sup>172</sup> Nevada is also continuing to build on the successes of its Teaching and Training CTE programs, which allow high school students to earn dual high school and college credits in undergraduate work and teacher education coursework. Upon graduation, graduates can be employed immediately as a teacher’s assistant in the classroom while they continue in a teacher preparation program. In a June 2022 report, the Nevada State Teacher Recruitment and Retention Advisory Task Force, created in 2019,<sup>173</sup> called for the Legislature to invest in expanding the availability of this program, particularly in rural districts where the start-up costs for these programs exceed what each rural school district receives in federal and State CTE funding without hindering their ability to maintain their existing CTE programs of study.<sup>174</sup>

New CTE teachers in Nevada primarily come from business and industry with strong technical knowledge, but lack teaching experience and must be trained on teaching methodologies.<sup>175</sup> The NDE, leveraging the LifeWorks program, provided new CTE teacher training sessions through contracted services in 2018 and 2019.<sup>176</sup> Additionally, the NDE has provided CTE teachers with the opportunity for professional development, including practical classroom learning methods that align with current business and industry experiences, including the externship program in partnership with GOWINN discussed above.

In addition to the CTE initiatives and initiatives undertaken in cooperation with the Nevada workforce entities discussed above, there are a number of other secondary education programs that promote workforce development in Nevada. One such program is the Career and College Ready Diploma, which is awarded to high school students upon graduation who have completed coursework over and above that needed to graduate. Specifically, students must complete additional credits in science, math, and computer science, earn credit in one or more of the following course areas: Advanced Placement courses, International Baccalaureate courses, dual-credit

<sup>171</sup> Nev. Leg. Joint Interim Standing Comm. on Ed. Draft Minutes 4 (May 18, 2022), available at <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/28016> (last visited Aug. 6, 2022) (hereinafter May 18, 2022 Draft Meeting Minutes).

<sup>172</sup> Nev. Dep’t of Ed., 2022 Addendum to the State Plan for the Improvement of Pupils (2022) 12, available at [https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2022/March/2022%20STIP%20Addendum%20SBE%20Consent%20Agenda%2003.17.22.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2022/March/2022%20STIP%20Addendum%20SBE%20Consent%20Agenda%2003.17.22.pdf) (last visited Aug. 6, 2022) (hereinafter 2022 STIP).

<sup>173</sup> See Nev. Assembly Bill 276 (2019).

<sup>174</sup> See May 18, 2022 Draft Meeting Minutes, *supra* note 171.

<sup>175</sup> See LifeWorks Biennial Rep. 2017-19, *supra* note 110 at 22.

<sup>176</sup> See *id.*

courses, CTE courses, work-based learning courses, or world language course, and must earn at least one of the two associated endorsements: College-Ready Endorsement or Career-Ready Endorsement, which includes earning a CTE skill attainment certificate or obtaining an industry-recognized credential approved and on GOWINN’s Nevada Industry-Recognized Credential List.<sup>177</sup> Since the Career and College Ready Diploma was implemented in 2017 up to the date of publication of Nevada’s 2020 Statewide Plan for the Improvement of Pupils, 6,292 such diplomas had been issued.<sup>178</sup>

Another such program is Work-Based Learning. In 2017, the Nevada Legislature codified work-based learning and related application and reporting requirements.<sup>179</sup> Work-based learning opportunities include job shadowing, school-based enterprise, simulated workplace, supervised agricultural experience, youth apprenticeships, CTE work experience, and paid and unpaid internships.<sup>180</sup> Local boards of trustees of a school district or the governing body of a charter school must report back to the State Board of Education and the Legislature on work-based learning statistics. In the school year 2019-2020, eight districts (Carson City, Churchill, Clark, Elko, Lyon, Nye, Washoe, and White Pine) and one public charter school (Pinecrest Academy - Cadence) responded to the NDE’s data request. When combined, these entities reported that there were 3,072 unique high school students who participated in one or more work-based learning activities at one or more high schools (amounting to a total of 3,659 work-based learning activities).<sup>181</sup>

Finally, in an effort to align career readiness with state accountability, the Nevada School Performance Framework (NSPF) accountability system now integrates a high school college and career readiness indicator that measures specific college and career readiness through postsecondary preparation, completion, and diploma measures that include, but are not limited to: advanced placement, international baccalaureate, dual-credit, career and technical education course participation and completion; and, the new college and career ready diploma attainments.<sup>182</sup>

In addition to NDE at the secondary education level, the Nevada System of Higher Education (“NSHE”) is an important workforce development partner at the postsecondary level. NSHE, which provides opportunities to

<sup>177</sup> See Nev. Dep’t of Ed., 2021-2023 Nev. Graduation College & Career Ready Credit & Assessment Requirements, available at

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/High\\_School\\_Graduation/CCR\\_Credit\\_Assess\\_Requirements.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/High_School_Graduation/CCR_Credit_Assess_Requirements.pdf) (last visited Aug. 6, 2022).

<sup>178</sup> See Nev. Dep’t of Ed., 2020 Nevada Statewide Plan for the Improvement of Pupils, 56 (2020) available at

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2020/July/NVSTIP.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2020/July/NVSTIP.pdf) (last visited Aug. 6, 2022) (hereinafter NDE 2020 STIP).

<sup>179</sup> Senate Bill 66 (2017) (amending Nev. Rev. Stat. § 389.167, subsection 7).

<sup>180</sup> See Nev. Dep’t of Ed., Work-based Learning and Industry Recognized Credential Earner Report 2018-2020, 4 available at

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2020/December/WBL\\_Report\\_2018\\_2020\\_ADA.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2020/December/WBL_Report_2018_2020_ADA.pdf) (last visited Aug. 6, 2022).

<sup>181</sup> See *id* (“COVID-19 related closures undoubtedly affected WBL opportunities scheduled for the spring of 2020; as a result, this data must be viewed as partial considering that it is unknown how many scheduled WBL opportunities were canceled or delayed as a result of school closures and the transition to online learning.”).

<sup>182</sup> See LifeWorks Biennial Rep. 2017-19, *supra* note 110 at 6.

more than 100,000 students and is governed by the Nevada Board of Regents, is comprised of “two doctoral-granting research universities, a state college, four comprehensive community colleges, and one environmental research institute, and serves the educational and job training needs of Nevada.”<sup>183</sup> Postsecondary education, especially community colleges, has long been a partner for economic development. Community colleges can craft training programs in high-demand industries to provide training and certifications that meet business needs. For example, the College of Southern Nevada (“CSN”) works hand-in-hand with manufacturing employers to deliver a trained workforce in 15 or 16 weeks. CSN is also collaborating with the City of Henderson to build an advanced manufacturing Center of Excellence that trains technicians in the area of advanced manufacturing. CSN’s nursing program provides about one-third of the nurses in southern Nevada. Their diesel technology certificate graduates students into jobs with Nevada Gold. CSN also expanded software development programs and created a cybersecurity center of excellence on its Las Vegas campus.<sup>184</sup>

Strengthening the partnership between K-12 and higher education and in turn the partnership between education and workforce development, Nevada requires all high schools to provide dual-credit opportunities to students.<sup>185</sup> These partnerships allow students an opportunity to take up to 15 credits of college classwork before they graduate high school. For example, the Clark County School District has established a dual enrollment partnership with The University of Nevada, Reno. In addition to gaining access to college-level classes and credits, the University of Nevada, Reno works closely with the high school administration, faculty and counseling staff to ensure that these high school students have access to college preparatory resources, as well as maintain a high level of motivation and achievement as they work toward high school graduation and college matriculation.<sup>186</sup> In 2020, NSHE and NDE launched the State of Nevada’s Dual Enrollment Task Force, made up of stakeholders across K-12 and higher education, to develop policy recommendations that will expand equitable access to dual enrollment opportunities for high school students across Nevada.<sup>187</sup> Specifically, the Task Force was charged with addressing three areas intended to support the expansion of dual enrollment: price, high school instructor qualifications for concurrent enrollment, and high school and district supports.<sup>188</sup> To help inform forthcoming recommendations, the Task Force reviewed existing data and created a publicly available dashboard that evaluates dual enrollment opportunities across the state.<sup>189</sup> In December 2021, the NSHE Board

<sup>183</sup> Nev. Sys. of Higher Ed., <https://nshe.nevada.edu/> (last visited Aug. 6, 2022). The System includes the University of Nevada, Las Vegas, the University of Nevada, Reno, Nevada State College, Desert Research Institute, the College of Southern Nevada, Great Basin College, Truckee Meadows Community College, and Western Nevada College.

<sup>184</sup> See Baumer *supra* note 70.

<sup>185</sup> See Nev. Sen. Bill 19 (2017).

<sup>186</sup> Lisa Cano Burkhead and Brian Sandoval, *Strong ties between K-12 and higher ed make a stronger economy for Nevada* (Aug. 2, 2022), <https://www.rgj.com/story/opinion/voices/2022/08/01/strong-ties-between-k-12-and-higher-ed-make-stronger-economy-nevada/10206940002/> (last visited Aug. 6, 2022).

<sup>187</sup> See Press Release, *supra* note 166.

<sup>188</sup> See Nev. Sys. of Higher Ed, Dual Enrollment Data Dashboard For Presentation to the State Board of Ed., December 9, 2021, available at

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2021/December/Dual\\_Enrollment\\_Data\\_Dashboard\\_Demo\\_for\\_BoE\\_12.2021\\_mtg\\_FINAL.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2021/December/Dual_Enrollment_Data_Dashboard_Demo_for_BoE_12.2021_mtg_FINAL.pdf) (last visited Aug. 6, 2022).

<sup>189</sup> See *Id.* The Data Dashboard can be accessed here [https://ir.nevada.edu/dual\\_enrollment.php](https://ir.nevada.edu/dual_enrollment.php).

of Regents adopted policy recommendations from the Task Force related to consistent pricing and instructor qualifications that will result in expanding equitable access to dual enrollment.<sup>190</sup>

## Opportunities and Recommendations

Nevada's economy and workforce are transforming. Nevada is an attractive state to live and work. It has low taxes, incentives for businesses, proximity to West Coast population centers, markets, transportation routes, and ports, excellent airport infrastructure, natural resources for energy and industry, well-populated metro areas at both ends of the state, and extensive entertainment and recreation assets. However, living and working in Nevada is not without its challenges. Even with the economic and workforce advancements over the past decade, Nevada's economy is still heavily oriented toward consumption-based industries, its workforce capacity, particularly in high-demand industries, is still constrained, its K-12 educational system is struggling, it has the lowest level of postsecondary credentials among its working-age population as compared to other states,<sup>191</sup> its healthcare system is understaffed, and inter-agency government collaboration is still challenging.

Nevertheless, as discussed above, Nevada has invested in its future. Nevada has sought guidance from analysts and experts to craft economic and workforce goals and develop a roadmap to achieve them. Nevada has developed a network of state and local government agencies, educational players, and industry partners to carry out initiatives to further its economic and workforce development goals and priorities. Nevada has committed state funding and applied for and received federal funding to carry out its initiatives. Building on this foundation, Nevada can continue to increase capacity for innovation across its workforce system, particularly in the area of workforce development through education. Herein are a number of recommendations to help facilitate continued growth and refinement of workforce development through education.

### A Well-Defined, Coordinated, and Widely-Disseminated Vision and Roadmap

*Avenues to achieve a well-defined, coordinated, and widely-disseminated vision and roadmap include:*

- *Consolidation of various workforce plans and reports through the adoption of a Combined Plan;*
- *Representation of K-12 education on the GOED Board or staff;*
- *Comprehensive and systematic dissemination of workforce vision and roadmap; and*
- *Regularly scheduled meetings of GOED, GOWINN, NDE, and NSHE.*

<sup>190</sup> See 2022 STIP, *supra* note 172 at 15.

<sup>191</sup> In 2019, 42.5% of Nevadans aged 25 to 64 and 41.2% of Nevadans aged 25 to 34 held post-secondary degrees (graduate or professional degrees, bachelor's degrees, associate degrees, certificates, industry-recognized certifications). See Lumina Found., A Stronger Nation Learning Beyond High School Builds American Talent, *available at* [https://www.luminafoundation.org/stronger-nation/report/#/progress&nation-geo-age=25\\_34](https://www.luminafoundation.org/stronger-nation/report/#/progress&nation-geo-age=25_34) (last visited Aug. 6, 2022).

Additional steps can be taken to articulate a well-defined, coordinated, widely-disseminated vision and roadmap for workforce development, particularly in the area of education. As discussed above, there are a significant number of players in Nevada’s workforce development system and inter-agency collaboration, cooperation, and alignment is difficult. The regulatory frameworks governing these players call for the drafting of a number of workforce development plans and reports, including the State Plan drafted by GOED, annual reports drafted by GOWINN, reports required pursuant to the WIOA and Perkins V outlining state and local programs and performance, strategic plans drafted by the state’s education agencies and their partners, and initiative-specific plans. Additionally, as part of Nevada’s fact- and data-driven approach to building its economy and workforce, it has engaged a number of third-party experts to gather and interpret data, facilitate discussion, define goals, and propose recommendations. These reports provide well-researched and well-conceived guidance and proposals for achieving economic and workforce goals. Of particular note are the following reports: *Unify, Regionalize, Diversify: An Economic Development Agenda for Nevada* (2011),<sup>192</sup> *Cracking the Code on Stem: A People Strategy for Nevada’s Economy* (2014),<sup>193</sup> *The Future Beyond the Pandemic: Nevada’s Plan for Recovery and Resilience* (2020),<sup>194</sup> and *A Prosperous Nevada Built on a Cohesive System and Works for its People and Employers* (2022).<sup>195</sup>

Each plan and report undoubtedly contains valuable information and recommendations for the overall workforce development system, but coordination and consolidation, where possible, would be beneficial to fostering collaboration between and among workforce development partners, defining a unified workforce development vision, and creating a roadmap that is cooperative and aligned. One such avenue for consolidation may be the adoption of the Combined Plan under the WIOA and Perkins V framework. Currently, Nevada submits a Unified Plan under the WIOA and a separate plan under Perkins V, as well as plans under a number of other federal employment and training programs that require reports to secure funds. However, the federal frameworks of the WIOA and Perkins V, among others, allow for the submission of a Combined Plan. A Combined Plan would include information about the WIOA Adult, Dislocated Worker, Youth, Wagner-Peyser Act, Adult Education and Family Literacy Act, and Vocational Rehabilitation programs, as well as one or more of the following:

- Career and technical education programs authorized under the Perkins V;
- Temporary Assistance for Needy Families program (42 U.S.C. 601 et seq.);
- Employment and Training programs under the Supplemental Nutrition Assistance Program (programs authorized under section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)));
- Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o));
- Trade Adjustment Assistance for Workers programs (activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.));
- Jobs for Veterans State Grants Program (programs authorized under 38, U.S.C. 4100 et. seq.);

<sup>192</sup> See Brookings Rep. 2011 *supra* note 59.

<sup>193</sup> See SRI Recovery Report 2022 *supra* note 78.

<sup>194</sup> Brookings Metro. Policy Prog. & Brookings Mountain West, *Cracking the Code on Stem: A People Strategy for Nevada’s Economy* (2014), available at [https://www.brookings.edu/wp-content/uploads/2016/06/BMPP\\_NevadaSTEM\\_full-report-web-final.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/BMPP_NevadaSTEM_full-report-web-final.pdf) (last visited Aug. 6, 2022).

<sup>195</sup> See NGA WIN 2022 Report, *supra* note 63.

- Unemployment Insurance programs (programs authorized under state unemployment compensation laws in accordance with applicable Federal law);
- Senior Community Service Employment program (programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.));
- Employment and training activities carried out by the Department of Housing and Urban Development; and
- Community Services Block Grant (Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.)).

Nine states chose to submit a Combined Plan in FY2020: Alabama, Delaware, Indiana, Ohio, Minnesota, Pennsylvania, Rhode Island, Virginia, and Washington. Adopting a Combined Plan may be a significant value-add for Nevada, which struggles to align workforce development partners in a traditionally siloed governmental framework. Particularly in the area of workforce development through education, it would allow Nevada's workforce development partners to think about, discuss, and draft plans for the major education-focused workforce development initiatives, including apprenticeships, work-based learning, CTE, and industry-recognized credentials, in the context of one report. These efforts would also provide momentum toward an integrated, workforce data system and an integrated dashboard visualization that could be leveraged to support the drafting of the Combined Plan. It would also help to further educate Nevada's GWDB and local WDBs about the variety of federal employment and training programs available so that such programs, where applicable, can be incorporated into programming offered at One-Stop Centers.

In a similar vein, given the prominence of GOED's State Plan in Nevada's regulatory framework, it may be beneficial to add a representative from NDE or the Executive Director of GOWINN to the Board of GOED or create a secondary education liaison position on GOED's staff. While postsecondary education is specifically represented—the Chancellor of the NSHE or his or her designee sits on the GOED Board—secondary education is not similarly represented. As CTE, work-based learning, and apprenticeships at the secondary education level are integral to workforce development, it would enhance the coordination and alignment of the state's workforce development efforts to fold discussions about these programs more directly into the State Plan dialogue and planning.

A clearly-defined, streamlined, and coordinated articulation of Nevada's workforce development is critical to a well-functioning system, but only if that vision and roadmap are widely-disseminated in a coordinated fashion to all actors in the system. To the extent there is not already a central repository for plans and reports generated in the area of workforce development, one should be included in the data collection and mapping efforts underway at GOWINN, discussed below. In addition to an accessible database, there should be efforts to proactively disseminate plans and reports to the entirety of Nevada's economic and workforce development network, including secondary and postsecondary entities. To the extent a master list of up-to-date physical or electronic mailing addresses for workforce development entities is not maintained, such a list should also be incorporated into the ongoing data collection and workforce mapping efforts by GOWINN.

Finally, the power of gathering people together either in-person or virtually cannot be understated. As such, it would be beneficial to convene regularly scheduled meetings of workforce development players, specifically GOED, GOWINN, NDE, and NSHE, to reiterate key messages contained in plans and reports, highlight key initiatives and messages, and course-correct, if needed.

## Utilization and Scaling of Existing Workforce Development Through Education Programs

*Strategies to utilize and scale existing workforce development through education programs include:*

- *Undertaking a comprehensive mapping of Nevada’s workforce development through education initiatives;*
- *Collecting accountability metrics and analyzing needs and gaps to support data-driven decisions;*
- *Focusing on CTE teacher recruitment and retention;*
- *Focusing on Dual and Concurrent Enrollment programs;*
- *Raising public awareness through marketing campaigns to promote full utilization of initiatives; and*
- *Designing a straightforward and integrated point of access to schools for private sector partners.*

Steps should be taken to ensure that existing workforce development through education programs are being utilized to the fullest extent and scaled, where possible. As discussed above, there are many well-conceived workforce development through education programs in Nevada. But to be truly impactful and bring about the economic and workforce development that Nevada is striving towards, such programs need to be utilized by students, parents, educators, communities, and Nevada businesses and scaled. Achieving substantial utilization of a tool or substantial participation in a program is challenging. That challenge is arguably greater in Nevada generally where roles, responsibilities, partnerships, funding, and accountability within the workforce development system are blurred and in the Clark County School District particularly in light of its recent decentralization.

A comprehensive mapping of Nevada’s workforce development through education initiatives and programs is an important step in improving utilization and scale of existing programs. A mapping initiative is underway at GOWINN to generate comprehensive asset maps of Nevada’s workforce development ecosystem. GOWINN has begun to capture multi-stakeholder activities and combine findings into a single comprehensive resource. GOWINN has also begun to research best practices and identify a vendor that may take the work that has been done to produce an interactive visualization that will serve as the face of the state’s systemwide workforce resource.<sup>196</sup> This is an important first step.

In addition to cataloging system inputs (i.e., programs and initiatives), the mapping should also capture roles, responsibilities, partnerships, funding and, importantly, accountability metrics related to such programs. Regarding accountability, to the extent possible, the mapping should incorporate dynamic data points collected through NPWR, as well as data collected by GOED, and DETR, among others, to provide a clear picture of the

<sup>196</sup> See GOWINN Annual Rep. *supra* note 95 at 9.

credentials and skills of today's workforce versus the staffing needs of employers today and in the future. To the extent that such data can capture geographic and demographic details about participants, the mapping can assist in an equitable and inclusive utilization and scaling effort. The ability to identify gaps between needs and assets, as well as identify all the ways in which the state is trying to meet those needs will greatly assist Nevada in making data-driven economic and workforce decisions, including program funding and scaling efforts. It will also strengthen connections between public and private workforce development entities to ensure that programs are aligned with current and future high-skill, high-wage, or in-demand industries in Nevada.

Data collection and mapping efforts already in process in Nevada have identified gaps in the workforce development through education pipeline that require attention. Two such areas are: CTE teacher recruitment and retention and utilization of dual and concurrent enrollment programs. With respect to CTE teacher recruitment and retention, as discussed above, there is currently an unprecedented shortage of educators in Nevada, including CTE teachers.<sup>197</sup> This shortage is a topic of active and open discussion, as educators and legislators work to remedy the problem. In a June 2022 presentation to the Nevada Legislature's Joint Interim Standing Committee on Education, the Nevada State Teacher Recruitment and Retention Advisory Task Force proposed 16 recommendations to address this issue ranging from the messaging and branding of the teaching profession, to a statewide teacher minimum salary, to studies of teacher licensure and educator workload.<sup>198</sup> These recommendations, while generally applicable to CTE teacher recruitment and retention, should be supplemented with efforts aimed specifically at meeting the challenges of attracting and retaining individuals to teach CTE courses. For example, the recommendation by the Task Force that the Nevada Legislature commission a study of Nevada's teacher licensure requirements should explicitly review Nevada's alternative routes to CTE teacher licensure, specifically the optimal mix of post-secondary coursework requirements, work experience requirements, and teacher preparation training requirements to ensure that individuals are qualified to teach CTE in secondary schools and that such individuals can be placed in classrooms as expeditiously as possible. Additionally, for alternatively qualified CTE teachers to make a successful transition to teaching and meet the demands of preparing students for further learning and the workplace, sufficient ongoing support is needed. Induction experiences, professional development and support activities designed to help teachers in the first few years of teaching, can provide the additional support that alternatively certified teachers need to meet the challenges of CTE teaching. To that end, the NDE, GOWINN and the Nevada Legislature should work to allocate funds to revive and/or expand training sessions for CTE teachers created through the LifeWorks program in 2018 and 2019 or initiate a similar training program.<sup>199</sup>

<sup>197</sup> Nev. Leg. Joint Interim Standing Comm. on Ed. Draft Minutes 4 (May 18, 2022), *available at* <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/28016> (last visited Aug. 6, 2022) (hereinafter May 18, 2022 Draft Meeting Minutes).

<sup>198</sup> See Nevada State Teacher Recruitment and Retention Advisory Task Force Recommendations [to the] Legislative Committee on Education (June 15, 2022), *available at* <https://www.leg.state.nv.us/App/InterimCommittee/REL/Document/27672> (last visited Aug. 24, 2022); *see also* Supports for Recruitment and Retention of Nevada Educators: Presentation to the [Nevada] State Board of Education, May 21, 2022, *available at*

[https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards\\_Commissions\\_Councils/State\\_Board\\_of\\_Education/2022/April/SBE\\_Department\\_Recruitment\\_and\\_Retention\\_Efforts\\_ADA.pdf](https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2022/April/SBE_Department_Recruitment_and_Retention_Efforts_ADA.pdf) (last visited August 24, 2022).

<sup>199</sup> See LifeWorks Biennial Rep. 2017-19, *supra* note 110 at 22.

With respect to dual and concurrent enrollment initiatives,<sup>200</sup> data collected and reviewed by the NDE-NSHE Dual Enrollment Task Force indicates that the dual-credit program is underutilized. In the 2019-2020, only 17.7% of graduating seniors at Clark County schools had earned dual credits.<sup>201</sup> A number of initiatives are in motion to increase participation in dual-credit programs, including the 2020 launch of the NDE-NSHE Dual Enrollment Task Force to examine issues central to the development of dual enrollment programs and expanded partnerships between secondary and postsecondary institutions, such as the partnership initiated in 2021 between the Clark County School District and The University of Nevada, Reno that offers dual credit classes at six Clark County School District campuses. In continuing to study best practices for dual enrollment programs and build relationships between secondary and postsecondary institutions particular attention should be paid to ensuring that such programs are accessible to all, including consideration of alternate eligibility criteria for middle- and lower-achieving students,<sup>202</sup> and equitable.<sup>203</sup> Additionally, as discussed below, publicizing dual enrollment programs and disincentivizing competition for funding streams for such programs can also help to promote utilization and scaling of dual enrollment programs.

As a follow-on to the mapping or in parallel to the mapping to the extent data is already available and analyzed, Nevada must raise public awareness of its programs and initiatives, particularly those focused on secondary education, to catalyze participation and promote scaling. To raise such awareness, Nevada should undertake statewide public marketing campaigns aimed at students, parents, educators, communities, and businesses for initiatives that Nevada wishes to prioritize. Such campaigns have proven successful in the past. For example, in 2018-2019, the state supported a successful statewide marketing campaign of the Lifeworks initiative. Based on research, the state produced and disseminated professionally published videos and posters to Nevada schools, districts, chambers of commerce, businesses, and community areas demonstrating student success stories and encouraging participation. The state also used social media, digital advertising, and media outreach to reach a broad audience.<sup>204</sup> Such a campaign can be replicated for other programs and initiatives, such as CTE, dual-

<sup>200</sup> In the Clark County School District, “dual credit/dual enrollment” programs allow students to “earn high school credit and college credit at the same time,” whereas “concurrent enrollment” programs allow students to “earn credits from another [Clark County School District]-sponsored school while attending a school of full-time enrollment. Students may earn extra credit within the home school, or earn extra credits by enrolling in another program/school within the district.” See Clark County School District, Office of Counseling, High School Credit Options <https://ccsd.net/departments/guidance-counseling/high-school-credit-options> (last visited Aug. 24, 2022).

<sup>201</sup> See Dual Enrollment Dashboard Presentation, *supra* note 188 at 17.

<sup>202</sup> An article published by the Education Commission of the States provides guidance on expanding dual enrollment programs to middle- and lower-achieving students, including examples of effective initiatives undertaken in other states. See Jennifer Zinth and Elisabeth Barnett, Rethinking Dual Enrollment to Reach More Students (May 2018), available at [https://www.ecs.org/wp-content/uploads/Rethinking\\_Dual\\_Enrollment\\_to\\_Reach\\_More\\_Students.pdf](https://www.ecs.org/wp-content/uploads/Rethinking_Dual_Enrollment_to_Reach_More_Students.pdf) (last visited Aug. 24, 2022).

<sup>203</sup> A report published by The Aspen Institute and Columbia University’s Teachers College provides guidance on developing equitable access to dual enrollment programs, including examples of effective initiatives undertaken in other states. See The Aspen Institute College Excellence Program, The Aspen Institute Education and Society Program & The Columbia University Teachers College Community College Research Center, The Dual Enrollment Playbook: A Guide to Equitable Acceleration for Students (2020), available at <https://ccrc.tc.columbia.edu/media/k2/attachments/dual-enrollment-playbook-equitable-acceleration.pdf> (last visited Aug. 24, 2022).

<sup>204</sup> See NDE Perkins V State Plan FY 2020-2023, *supra* note 169 at 19.

credit, work-based learning, apprenticeships, career and college ready diplomas, and Nepris. Additionally with respect to engaging students specifically, constituting a district-wide or even statewide council of student participants in the programs to consult on marketing could enhance traditional marketing techniques with peer-to-peer engagement. With respect to engaging business, utilizing the Local WDBs and RDAs to publicize programs within the local business community would also enhance traditional marketing techniques and help create interest among and foster participation by private industry.

To capture participation by students and businesses in the programs they have been made aware of, there must be a well-designed, straightforward, and integrated point of access. This is particularly relevant for business participation in programs in the Clark County School District in light of its decentralization. Local business and industry participation is crucial to the success of all workforce development initiatives. But many businesses, even those that may want to participate, will be hesitant to do so if they need to engage with each individual school in the Nevada education system or even each individual school in Clark County. Funded by LifeWorks, GOWINN hired an “Employer Engagement Specialist” who is charged with acting as an intermediary between Nevada employers and education, specifically districts’ designated Work-Based Learning Coordinators. Each district, particularly Clark County, should ensure that it has a Work-Based Learning Coordinator or similar position within the district, that such person is working with GOWINN to develop employer networks and other business partners to support the education-to-workforce pipeline.<sup>205</sup> To better align and support in-demand career pathways in Nevada, GOWINN partnered with NDE to pull the 25+ Work-based Learning Coordinators in Nevada’s school districts together to discuss current efforts, offer support, and discuss upcoming opportunities.<sup>206</sup> A formalized mechanism by which such meetings could happen regularly would further benefit utilization and scaling of programs and initiatives of interest.

## A Coordinated and Cooperative Approach to Funding

*Coordination and cooperation relating to funding of workforce development efforts may be achieved by:*

- *Leveraging the newly created Governor’s Office of Federal Assistance to take full advantage of federal workforce development and education funding;*
- *Reviewing all workforce development and education funding streams to promote cooperation and disincentive competition between and among state workforce and education players; and*
- *Prioritizing the growth of CTE and other workforce development initiatives utilizing state education funds.*

Steps should be taken to augment, streamline, and prioritize funding for workforce development initiatives, particularly in the area of workforce development through education. At the federal level, there are significant funds available for workforce development. Of note, Congress has signaled in the current version of H.R. 7309, the Workforce Innovation Act of 2022, which passed the House in May 2022 and has been referred to the Senate

<sup>205</sup> See LifeWorks Biennial Rep. 2017-19, *supra* note 110 at 24.

<sup>206</sup> See GOWINN Annual Rep. *supra* note 95 at 14.

Committee on Health, Education, Labor, and Pensions, that it would extend the authorizations for the three primary formula grants authorized by Title I of WIOA: Youth Activities, Adult Activities, and Dislocated Worker Activities. The authorizations of appropriations in H.R. 7309 for the Adult Activities and Dislocated Worker Activities would represent a substantial increase from their current funding levels. The authorization of appropriations for Youth Activities would be less significant, but H.R. 7309 would also establish a new formula grant program to support Summer and Year-Round Employment efforts for eligible youth.<sup>207</sup>

Workforce development entities in Nevada must be prepared to take advantage of new and existing federal funding streams to strengthen its workforce development efforts, particularly workforce development through education. While individual entities in Nevada have been successful at securing federal workforce development grants, such as the DOL’s H-1B Healthcare Grant awarded to GOWINN or the U.S. Economic Development Administration’s Good Jobs Challenge Grant awarded to Nevadaworks, the northern Nevada LWDB, there should be a thoughtful comprehensive plan to obtain and utilize federal workforce development funds to achieve Nevada’s economic and workforce goals. The newly created Governor’s Office of Federal Assistance<sup>208</sup> should be leveraged to coordinate the acquisition and utilization of federal education and workforce grants. A member of that office should participate in all working groups and sub-cabinets relating to workforce development to help break down silos and integrate funding streams.

Additionally, whether through the Governor’s Office of Federal Assistance or otherwise, efforts should be made to review state funding streams to workforce development and education to enhance cooperation and disincentive competition between actors, particularly those in the education sphere. This is particularly relevant to the Dual Credit initiative. Establishing the strongest links possible between the K-12 system and Nevada’s colleges and universities is crucial to the success of workforce development. Further examination by Nevada’s Dual Enrollment Task Force and, where relevant, adjustment of funding streams relevant to dual credit programs to create cooperation between secondary and postsecondary institutions and community colleges and universities would further enable the rapid expansion of dual credit programs.

However, cooperation can be difficult in dual credit programs where secondary schools, community colleges, and universities are competing for funds. This can be particularly acute when education funds are hard to come by. Nevada has historically ranked near the bottom of states in education funding, which has impacted the performance of Nevada’s education system.<sup>209</sup> In recent years, the Nevada Legislature has sought to elevate education funding. In 2021, public education saw the single largest increase of state funding in education history with approximately \$500 million allocated for K-12 education. The funding—approximately \$275 million in fiscal year 2022 and approximately \$227 million in FY 2023—will be used to implement the “pupil centered funding plan” put in place by the Legislature in 2019 to replace the more than 50-year old state education funding plan.<sup>210</sup> The plan will increase the statewide average per pupil amount from \$7,400 to more than \$9,000

<sup>207</sup> See Collins et. al., *supra* note 22 at summary page.

<sup>208</sup> See Nev. Ass. Bill 445 (2021).

<sup>209</sup> See May 18, 2022 Draft Meeting Minutes, *supra* note 171 at 4.

<sup>210</sup> Clark County School District News Room, Overwhelming Support For Education During Legislative Session, available at <https://newsroom.ccsd.net/nevada-legislature-shows-overwhelming-support-for-education-priorities-to-benefit-ccsd->

in each of the coming fiscal years,<sup>211</sup> which is still well below the national average. “When all spending through the Pupil Centered Funding Plan is added up—including categorical funding for specific programs such as English Language Learners–K-12 will have some \$4.4 billion a year in state support,” of which approximately \$2.88 billion would go to the Clark County School District.<sup>212</sup> This influx of state education funds is an opportunity for the NDE and individual school districts to prioritize CTE, along with other workforce development programs such as dual credit, work-based learning, and apprenticeships.

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Workforce development is a federal, state, local, and individual priority. With continued commitment from the state government and its agencies, local partners, and leaders in the private sector, greater coordination and collaboration around the programs and initiatives that work, and strong skills around leading change and the capacity to bring about the desired change, Nevada can build an effective workforce development system, particularly in the area of workforce development through education

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[students/](#) (last visited Aug. 6, 2022). The increase in funding is in part generated from a new tax on gross revenues of mining was adopted to generate an estimated \$85M/year. These monies will be added to the new education funding plan along with \$70M/year in existing net proceeds starting in 2023.

<sup>211</sup> Geoff Dornan, *\$500 million added to K-12 funding by legislative money committees* (May 19, 2021), available at <https://www.nevadaappeal.com/news/2021/may/19/500-million-added-k-12-funding-legislative-money-c/> (last visited Aug. 6, 2022).

<sup>212</sup> *Id.* According to staff, about a third of total revenue to K-12 comes from the state. The other two-thirds comes from local sources, primarily the Local School Support Tax portion of the sales tax and property taxes dedicated to schools.”

## Appendix A

### Federally Funded Employment and Training Programs, FY2017<sup>213</sup>

Department of Labor  (19 programs)	WIOA Adult Program WIOA Youth Program WIOA Dislocated Worker Formula Program WIOA National Dislocated Worker Grants Job Corps (WIOA) YouthBuild (WIOA) Native American Program (WIOA) National Farmworker Jobs Program (WIOA) Reentry Employment Opportunities (WIOA) Wagner-Peyser Act Employment Service (WIOA) Registered Apprenticeship Program Women in Apprenticeship and Nontraditional Occupations H-1B Job Training Grants Senior Community Service Employment Programs Trade Adjustment Assistance for Workers Disabled Veterans' Outreach Program Homeless Veterans' Reintegration Project Local Veterans' Employment Representative Program Transition Assistance Programs (for Veterans)
Department of Education  (7 programs)	State Supported Employment Services (WIOA) State Vocational Rehabilitation Services Program (WIOA) American Indian Vocational Rehabilitation Services (WIOA) Career and Technical Education - Basic Grants to States (Perkins) Native Americans Career and Technical Education Program (Perkins) Native Hawaiians Career and Technical Education Program (Perkins) Tribally Controlled Postsecondary Career and Technical Institutions Program (Perkins)

<sup>213</sup> To arrive at the 43 programs set forth in its report, GAO reviewed the Catalog of Federal Domestic Assistance (“CFDA”, now incorporated into the System for Award Management, Assistance Listing) for programs that explicitly listed as an objective (1) helping job seekers enhance their job skills, (2) helping job seekers find job opportunities, or (3) helping job seekers obtain employment. GAO excluded programs that did not provide employment and training services itself (for example, if it provided financial support to other employment and training programs, or subsidized the cost of employment through tax credits), programs that were small (served fewer than 100 participants or obligated less than \$250,000 in FY2017), programs that were a component of a larger employment and training program (for example, a pilot or demonstration program), programs that offer or finance employment and training services, but for which that is not a program objective (for example, student loan programs, which focus broadly on enhancing access to postsecondary education), and tax expenditures, which may finance or incentivize similar services. After compiling a list from the CFDA, GAO administered a survey to program officials that included questions to verify information listed in the CFDA on program objectives, eligibility, and beneficiary requirements. *See* U.S. Gov’t Accountability Off., GAO-19-200, Employment and Training Programs: Department of Labor Should Assess Efforts to Coordinate Services Across Programs 2-5 (2019).

Department of Health and Human Services (7 programs)	Community Service Block Grants Temporary Assistance for Needy Families Native Employment Works Refugee and Entrant Assistance - Discretionary Grants Refugee and Entrant Assistance - Targeted Assistance Grants Refugee and Entrant Assistance - State/Replacement Designee Administered Programs Refugee and Entrant Assistance - Voluntary Agency Matching Grant Program
Department of the Interior (3 programs)	Job Placement and Training Program Tribal Technical Colleges Youth Partnership Programs (including several programs administered by the National Park Service: Public Lands Corps, Youth Conservation Corps, Youth Intern Program, and Youth Partnership Program)
Department of Defense (2 programs)	National Guard Youth Challenge Programs Job Training, Employment Skills Training, Apprenticeships, and Internships
Department of Veterans Affairs (2 programs)	Compensated Work Therapy Vocational Rehabilitation and Employment
Department of Agriculture (1 program)	Supplemental Nutrition Assistance Program Employment and Training
Department of Justice (1 program)	Second-Chance Act Technology Based Career Training Program for Incarcerated Adults and Juveniles
Environmental Protection Agency (1 program)	Environmental Workforce Development and Job Training Cooperative Agreements