§ 666.240 Under what circumstances may a sanction be applied to a State that fails to achieve negotiated levels of performance for title I?

(a) If a State fails to meet the negotiated levels of performance agreed to under §666.120 for core indicators of performance or customer satisfaction indicators for the adult, dislocated worker or youth programs under title I: (1) The availability of funds under section 174(b) for technical assistance, demonstration and pilot projects, evaluations, and Incentive Grants and the needs for these activities; (2) The number of States that are eligible for Incentive Grants and their relative program formula allocations under title I; (3) The availability of funds under WIA section 136(g)(2) resulting from funds withheld for poor performance by States; and (4) The range of awards established in WIA section 503(c).

(b) We will publish the award amount for eligible States, after consultation with the Secretary of Education, within 90 days after the due date, established under §666.205(a), for the latest State performance progress report providing the annual information needed to determine State eligibility.

(c) In determining the amount available to an eligible State, the Secretary, with the Secretary of Education, may consider such factors as: (1) The relative allocations of the eligible State compared to other States; (2) The extent to which the negotiated levels of performance were exceeded; (3) Performance improvement relative to previous years; (4) Changes in economic conditions, participant characteristics and proposed service design since the negotiated levels of performance were agreed to; (5) The eligible State’s relative performance for each of the indicators compared to other States; and (6) The performance on those indicators considered most important in terms of accomplishing national goals established by each of the respective Secretaries.