

Attachment 1: Youth Program Resource Guide

1. Additional Assistance Barrier 5% Rule (TEGL 8-15, p. 5)

WIOA Section 129(a)(3)(B) states that in each local area, not more than five (5) percent of the in-school youth (ISY) assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. In a given program year, no more than 5 percent of ISY enrolled in the program year are eligible only based on the “additional assistance” criterion.

2. Assessment Requirements (TEGL 21-16, p. 7)

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth’s strengths rather than just focusing on areas that need improvement.

In accordance with 20 CFR § 681.290, “in assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.”

For purposes of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education’s National Reporting System (NRS), nor are they required to determine an individual’s grade level equivalent or educational functioning level (EFL), although use of these tools is permitted. Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. It is important that, in addition to being valid and reliable, any formalized testing used is appropriate, fair, cost effective, well-matched to the test administrator’s qualifications, easy to administer and interpret results. Alternatively, skills related gains may also be determined through less formal alternative assessment techniques such as observation, folder reviews, or interviews. The latter may be particularly appropriate for youth with disabilities given accessibility issues related to formalized instruments. Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use an NRS-approved assessment for both the EFL pre- and post-test to determine an individual’s educational functioning level.

3. Braiding Funds (TEGL 21-16, p. 10), Allocable Costs

WIOA does not prohibit the braiding of funds. This resource allocation strategy occurs when different funding streams are used together to support different needs for the same customer while maintaining documentation to support the charging and allocation of costs to multiple

separate funding streams or programs. As specified in the Uniform Guidance at 2 CFR 405(d), if a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the programs or activities based on the proportional benefit. In addition, each funding stream maintains its statutory requirements, including eligibility criteria and scope of authorized activities.

Braiding funds allows a WIOA youth program to provide more comprehensive services to participants while maximizing partner resources available to assist youth. For example, the Title I WIOA Youth program and the WIOA Title II Adult Education program can provide complementary services to youth and can be used together (braided) to serve eligible youth ages 16-24 where each program's age eligibility overlaps. When used together, these two funding sources can increase the capacity of programs to help young adults meet their employment and educational goals. An organization that receives both Title I Youth funding and Title II Adult Education funding or partners with a program that receives Title II funding may braid these funds and enroll eligible youth into both programs. Title I resources can be utilized to provide youth with such services as career guidance, exploration, and planning; work experience; and leadership development; Title II resources support adult education and literacy activities, including preparation for obtaining a recognized high school equivalency, or workplace adult education and literacy activities, family literacy activities, English language acquisition activities, integrated English literacy and civics education, workforce preparation activities, or integrated education and training. [WIOA sec. 203(2)]. Integrated education and training, a service approach that provides adult education and literacy activities concurrently and contextually with workforce preparation activities and workforce training for a specific occupation or occupational cluster for the purpose of educational and career advancement, is particularly well-suited to a braided funding model. [WIOA sec. 203(11)].

4. Career Related Assessments (TEGL 21-16, p. 8)

All youth, including youth with disabilities, can benefit from participation in career assessment activities, including, but not limited to, assessments of prior work experience, employability, interests, and aptitudes. Multiple assessment tools may be necessary since there is no standard approach that will work for all youth, including youth with disabilities. Career assessments help youth, including those with disabilities, understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes, and skills) affect their potential success and satisfaction with different career options and work environments. Youth also need access to reliable information about career opportunities (based on labor market information) that provide a living wage, including information about education, entry requirements, and income potential. Youth with disabilities also may need information on benefits planning, workplace supports (e.g., assistive technology), and accommodations, and may also benefit from less formalized career-related assessments such as discovery techniques. These assessments may be provided directly through WIOA youth program staff, and/or through referrals to national and community-based partners and resources.

5. Competitive Procurement (TEGL 21-16, p. 11)

One of the responsibilities of Local Workforce Development Boards (Local WDBs) includes selection of providers of youth workforce investment activities through competitive grants or contracts. Competition is expected to improve the delivery of efficient, effective youth workforce services. When a Local WDB awards grants or contracts to youth service providers to carry out youth workforce investment activities, it must identify youth service providers based on criteria established in the State Plan and take into consideration the ability of the provider to meet performance accountability measures based on the primary indicators of performance for youth programs. The Local WDB must also award such grants or contracts on a competitive basis and in accordance with the Procurement Standards found at Uniform Guidance at 2 CFR parts 200 and 2900, in addition to applicable State and local procurement laws. The Uniform Guidance at 2 CFR 200.317 requires States to adhere to the same procurement procedures it uses for non-Federal funds for procurements using Federal funds when it is responsible for conducting the procurement. ***There is one exception to the requirement of competitive procurement--a Local WDB may award sole-source contracts if it determines an insufficient number of providers exist in the local area*** (see Section 107(d)(10), 20 CFR § 679.370(l)(1), and Section 123).

The Department interprets the competitive selection provisions discussed in WIOA Sections 107(d)(10) and 123 to apply only if the Local WDB provides youth services by awarding grants or contracts to youth service providers. Consistent with 20 CFR § 681.400, a Local WDB may determine that the grant recipient or designated fiscal agent may “provide directly some or all of the youth workforce investment activities.” USDOL intends for the flexibility provided by 20 CFR § 681.400 to allow Local WDBs to determine whether to directly provide the WIOA youth program elements that they can most efficiently and cost-effectively provide, such as labor market and employment information and services that are part of program design including assessment, supportive services and follow-up services. While this rule represents a change from WIA by providing Local WDBs with flexibility to determine how to most efficiently provide youth services, USDOL expects Local WDBs to use youth service providers best positioned to provide program elements resulting in strong outcomes. USDOL encourages Local WDBs to award contracts to youth service providers, using a competitive procurement process, when local areas have access to experienced and effective youth service providers.

If a State chooses to do so, it has the authority to set policy requiring Local WDBs to competitively select some or all youth services. The State as grant recipient has the ultimate accountability to USDOL for the performance of the Youth program, including outcomes and fiscal integrity. States, therefore, have the authority to establish statewide policies regarding the provision of youth activities that the State determines are likely to enhance the performance of the Youth program.

If Local WDBs decide to directly provide youth services, USDOL recognizes that situations may arise where a single entity performs multiple roles, such as fiscal agent, service provider, or One-Stop operator. In such situations, 20 CFR § 679.430 requires “a written agreement with the Local WDB and Chief Elected Official (CEO) to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA and corresponding regulations,

relevant Office of Management and Budget circulars, and the State’s conflict of interest policy.” Furthermore, separation of roles for staff to the Local WDB and the role of the fiscal agent described in 20 CFR §§ 679.400 and 679.420, respectively, provide more clarity on the distinct functions of these entities. When youth services are provided by an entity that fulfills another role in the local area, the agreement with the Local WDB and CEO must provide clarity on the expectations for those roles and clear methods of tracking effective execution and accountability for the distinct roles.

6. Determination of School Status (TEGL 8-5, p.4)

Determination of whether a youth participant is an out-of-school youth (OSY) or ISY is made at the time of program enrollment. Once the school status of a youth is determined that school status remains the same throughout the youth’s participation in the WIOA youth program for purposes of reporting against the OSY expenditure requirement. For example, if a youth is determined to be an OSY at time of enrollment and subsequently re-enters high school or enrolls in postsecondary education, that youth is still considered an OSY for purposes of the OSY expenditure requirement throughout their participation in the WIOA youth program.

Under the WIOA youth program eligibility requirements, the term “school” refers to both secondary and postsecondary school. Therefore, an individual attending either secondary school or postsecondary school is considered ISY. The term “school dropout” refers to an individual who has dropped out of high school and not completed their high school diploma or equivalent. The term “school dropout” does not include individuals who have dropped out of postsecondary education.

(TEGL 21-16, p.2) If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education, even if they have not yet begun postsecondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for postsecondary education, but does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend postsecondary education.

Non-credit-bearing postsecondary classes. USDOL received a number of questions related to what counts as attending postsecondary education for purposes of determining school status. If the youth participant is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and, therefore, an ISY. If the youth is only enrolled in non-credit-bearing postsecondary classes, they would not be considered attending postsecondary school and, therefore, an OSY.

Individuals 22 years and older attending postsecondary education. Local programs should keep in mind that ISY, including those attending postsecondary education, must be between the ages of

14 through 21. A youth attending postsecondary education who is 22 at time of eligibility determination would not be eligible for the WIOA youth program because they are in school and over the age of 21. That individual could be served through the WIOA adult program.

Exception for youth with disabilities. There is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 public school system beyond the age of 21. Such youth may only be enrolled as ISY up to the age allowed by their state law to receive secondary education services.

High school equivalency programs and dropout re-engagement programs. In 20 CFR § 681.230, USDOL uses the terms high school equivalency program and dropout re-engagement program. As stated in 20 CFR § 681.230, for purposes of WIOA, providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be schools for the purposes of determining school status. However, there is one exception. Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K–12 school system that are classified by the school system as still enrolled in school are considered ISY.

An HSE program offers preparation for, and the taking of, tests which lead to an HSE degree. The “High School Equivalency: Resource Guide for the Workforce System” provides information about the options for high school equivalency and can be found at: [High School Equivalency Resource Guide \(https://www.careeronestop.org/FindTraining/Types/high-school-equivalency.aspx\)](https://www.careeronestop.org/FindTraining/Types/high-school-equivalency.aspx). A dropout re-engagement program conducts active outreach to encourage out-of-school youth to return to school and assists such youth in resuming their education and/or training to become career ready. A re-engagement program or center may provide case management and other services to support youth in overcoming barriers that prevent them from returning to school or work. To learn more about dropout re-engagement centers and programs, see “Bringing Students Back to the Center: A Resource Guide for Implementing and Enhancing Re-Engagement Centers for Out-of-School Youth” and can be found at: [Re-Engagement Center Resource Guide \(https://www2.ed.gov/programs/dropout/re-engagement-guide121914.pdf\)](https://www2.ed.gov/programs/dropout/re-engagement-guide121914.pdf).

Homeschooling. USDOL has received questions about how to classify youth who are homeschooled. State education agencies and/or local education agencies have policies regarding the classification of youth who are home-schooled. WIOA youth programs must classify homeschooled youth as ISY or OSY based on their state education agency (or local education agency, if relevant) policy.

7. Eligibility Barriers (TEGL 21-16, p. 3)

To be eligible for the WIOA youth program, individuals must meet one or more conditions listed in WIOA Section 129(a)(1)(B)(iii) for OSY and (a)(1)(C)(iv) for ISY. This guidance refers to these conditions as eligibility barriers. Below is further explanation of some of the eligibility barriers:

English Language Learner. WIOA Section 203(7) defines the term “English language learner” as an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and (A) whose native language is a language other than English; or (B) who lives in a family or community environment where a language other than English is the dominant language.”

Dropout. A “school dropout” is defined in WIOA Section 3(54) as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. As discussed in TEGl 08-15, an individual who has dropped out of postsecondary education is not a “school dropout” for purposes of youth program eligibility. A youth’s eligibility status is determined at the time of enrollment; therefore, if a youth has not received a high school diploma, or a recognized equivalent, AND is not attending any school, he/she is considered a dropout and is an OSY. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school but subsequently returned. For example, a youth who dropped out of high school in 2015 and returned to high school in 2016 prior to enrollment in WIOA is not considered a dropout.

Age of compulsory school attendance, but not attending. In 20 CFR § 681.210(c)(2), the second eligibility barrier is “a youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter.” This section of the final rule further states that a “school year calendar quarter is based on how a local school district defines its school year quarters. In cases where schools do not use quarters, local programs must use calendar year quarters.”

An offender. The WIOA statute uses slightly different wording to describe the criteria for ISY and OSY who are eligible because they have been subject to any stage of the criminal justice process. For OSY, one eligibility barrier under WIOA Section 129(a)(1)(B)(iii)(IV) is that the youth is “[a]n individual who is subject to the juvenile or adult justice system.” For ISY, Section 129(a)(1)(C)(iv)(III) uses the term “offender” as the relevant criteria. The term “offender” is defined in WIOA Section 3(38) as “an adult or juvenile (A) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or (B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.” The Department concluded that the intent of the OSY eligibility criterion is not to treat youth who were subject to the juvenile or adult system differently, but rather to call attention to the fact that both the juvenile and adult justice systems may include OSY. Therefore, to be clear that the same eligibility criteria apply to both OSY and ISY, both 20 CFR § 681.210, which provides the eligibility criteria for OSY, and 20 CFR § 681.220, which provides the eligibility criteria for ISY, use the term “offender.”

Homeless and foster care youth. In WIOA, an individual who is homeless is eligible under the same barrier category as an individual in the foster care system or one who has aged out of the foster care system. In order to make the regulation easier to understand, USDOL separated foster care youth and homeless and runaway youth into two separate eligibility barrier

categories in the Final Rule. In addition, the Final Rule also includes “ an individual who has attained 16 years of age and left foster care for kinship guardianship or adoption” in the foster care eligibility barrier in 20 CFR §§ 681.210 and 681.220 to encompass youth who were formerly in foster care, but may have returned to their families before turning 18.

An individual who is pregnant or parenting. An individual who is parenting can be a mother or father, custodial or non-custodial. If the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor into the definition of parenting. A pregnant individual can only be the expectant mother.

Additional assistance barrier. A state may establish definitions and eligibility documentation requirements for criteria for “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.” If the state does not establish these definitions and eligibility documentation, the local area must do so if it uses this criterion. These policies established at the state or local level should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance.

8. In-School Youth (TEGL 23-14, p. 9) (TEGL 8-15, p. 3)

Under WIOA, an in-school youth (ISY) is an individual who is (a) Attending school (as defined by State law), including secondary and postsecondary school; (b) not younger than 14 or (unless an individual with a disability who is attending school under State law) older than 21 at time of enrollment; (c) low income; and (d) one or more of the following barriers:

- (1) Basic skills deficient;
- (2) An English language learner;
- (3) An offender;
- (4) A homeless youth, a runaway, an individual who is in foster care or has aged out of the foster care system; a youth eligible for assistance under Section 477 of the Social Security Act, or in an out-of-home placement;
- (5) Pregnant or parenting;
- (6) A youth who is an individual with a disability; and
- (7) An individual who requires additional assistance to complete an educational program or to secure or hold employment (Sec. 129(a)(1)(B)).

9. Incentives (TEGL 21-16, p. 9)

20 CFR § 681.640 states that “incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences. The Local

WDB must have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are tied to the goals of the specific program; outlined in writing before the commencement of the program that may provide incentive payments; align with the local program’s organizational policies; and are in accordance with the requirements contained in 2 CFR part 200.”

USDOL included the reference to the Uniform Guidance at 2 CFR part 200 to emphasize that while incentive payments are allowable under WIOA, the incentives must be in compliance with the Cost Principles in 2 CFR part 200. For example, Federal funds must not be spent on entertainment costs. Therefore, incentives must not include entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. Additionally, there are requirements related to internal controls to safeguard cash, which also apply to safeguarding of gift cards, which are essentially cash.

While USDOL recognizes that incentives could be used as motivators for various activities such as recruitment, submitting eligibility documentation, and participation in the program, incentives paid for with WIOA funds must be connected to recognition of achievement of milestones in the program tied to work experience, education, or training. Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcome. Local areas may leverage private funds for incentives that WIOA cannot fund. Incentive payments may be provided to both ISY and OSY as long as they comply with the requirements of 20 CFR § 681.640.

10. Low-Income Determination (TEGL 21-16, p. 5)

In some regards, WIOA makes low-income determination more complex than under WIA because not all youth need to be low-income in order to qualify for the program. To determine whether a youth must be low income, first consider whether the participant is OSY or ISY. As provided in 20 CFR §§ 681.210 and 681.250, if the youth is OSY, the low-income requirement applies only to the following categories of youth – (1) a recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English language learner; and (2) an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. All ISY must be low income unless they are served under the five percent exception discussed below.

Low income is defined in WIOA Section 3(36) as an individual who:

- (i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or
(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

(iv) receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(v) is a foster child on behalf of whom State or local government payments are made; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (vii), but who is a member of a family whose income does not meet this requirement.

There is one additional low-income category not included in WIOA Section 3(36) above that applies only to youth. According to Section 129(a)(2) of WIOA, for both ISY and OSY, a youth qualifies as low income if the youth lives in a high-poverty area. More guidance will be disseminated separately on determining if a youth is living in a high-poverty area.

In addition, as stated above, an ISY who receives or is eligible to receive free or reduced-price lunch would meet the low-income requirement. Note that some school districts subsidize all student meals from the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010. When a school does not use individual eligibility criteria to determine who is eligible for free or reduced-price lunch, whole school receipt of free or reduced-price lunch cannot be used to determine WIOA low-income status for ISY. In schools where the whole school automatically receives free or reduced-price lunch, WIOA programs must base low-income status on an individual student's eligibility to receive free or reduced-price lunch or on meeting one of the other low-income categories under WIOA. Local programs can check with their local school districts for determining whether individual students are eligible to receive free or reduced-price lunch. The Hawaii Department of Education Free and Reduced Price Lunch Program can be found at this link:

<http://www.hawaiipublicschools.org/TeachingAndLearning/HealthAndNutrition/StudentHealthResources/Pages/FreeReducedLunch.aspx>. While the free/reduced lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY. If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualification.

Lower Living Standard Income Level (LLSIL). Another option for determining low-income eligibility is based on family income. A youth is considered low income if the youth is in a family with a total family income that does not exceed the higher of the poverty line or 70 percent of the LLSIL, except in cases where only the youth's income is considered as discussed below. The LLSIL is published annually by WDC at: <https://labor.hawaii.gov/wdc/wia-docs/>. The LLSIL for 2020 can be found at: <https://labor.hawaii.gov/wdc/files/2020/07/Final-WIOA-Bulletin-36-20-2020-Lower-Living-Standard-income-Level-Guidelines-7.31.2020.pdf> and includes income charts that are used by state and local workforce investment areas to determine income eligibility based on family size and income for the WIOA youth and certain adult services.

What counts as income? USDOL received several questions asking about what counts as income when determining a youth's low-income status. The definition of what counts as income when determining a youth's low-income status has changed under WIOA. It is important to know that the definition of a low-income individual at Section 3(36) does not exclude unemployment compensation or child support payments from income calculations. Therefore, WIOA youth programs must include Unemployment Insurance and child support payments as income when determining a youth's eligibility based on low-income status. As discussed above in the list of low-income qualifications in WIOA Section 3(36), homeless and foster youth are considered low income and do not need to meet any additional low-income criteria.

When do you consider only a youth's income? There are circumstances where only the youth's income is considered in determining whether the youth satisfies WIOA income limits for the program. 20 CFR § 681.280 provides that OSY with a disability are not required to be low-income and for ISY with a disability, the youth's own income, rather his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL.

Additionally, if an individual is not living in a single residence with other family members, that individual is not a member of a family for the purpose of WIOA income calculations. 20 CFR § 675.300 defines family as "two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple."

11. Low-Income Eligibility Exception (5%). (TEGL 8-15, p. 6)

The "Additional Assistance" criterion referred to above is different from the 5 percent low-income liability exception. WIOA maintains a 5 percent low-income eligibility exception where 5 percent of local area participants who ordinarily would need to be low-income do not need to meet the low-income provision. Under WIA, the 5 percent low-income exception was calculated based on 5 percent of all youth participants enrolled in a given program year. However, because not all OSY are required to be low-income, the 5 percent low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. For example, a local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example, the 50 OSY required to be low income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example 5 of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

12. Out-Of-School Youth (TEGL 23-14, p. 3) (TEGL 8-15, p. 3)

Under WIOA, an out-of-school youth (OSY) is an individual who is:

(a) Not attending any school (as defined under State law); (b) not younger than 16 or older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants

may continue to receive services beyond the age of 24 once they are enrolled in the program; and (c) one or more of the following:

- (1) A school dropout;
- (2) A youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters;
- (3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
- (4) An individual who is subject to the juvenile or adult justice system;
- (5) A homeless youth, a runaway, an individual who is in foster care or has aged out of the foster care system; a youth eligible for assistance under Section 477 of the Social Security Act, or a youth who is in an out-of-home placement;
- (6) An individual who is pregnant or parenting; and
- (7) An individual with a disability;
- (8) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA section 129(a)(1)(B))

13. Out-of-School Youth 75%/25% Expenditure Rule (TEGL 23-14 p. 3)

WIOA increased the minimum OSY expenditure rate for the youth formula-funded program from 30 percent under WIA to 75 percent under WIOA. The minimum 75 percent OSY expenditure applies to local workforce development area funds and funds reserved by the Governor. However, only those statewide funds spent on direct services to youth are subject to the OSY expenditure requirement. Funds spent on statewide youth activities that do not provide direct services to youth, such as most of the required statewide youth activities listed in WIOA section 129(b)(1), are not subject to the OSY expenditure requirement. In addition, state and local area administrative expenditures are not a part of the 75 percent OSY minimum expenditure calculation. Further, the 75 percent expenditure rate is a minimum requirement; therefore, states and local areas may spend up to 100 percent of their local area youth funds on OSY if they choose.

Calculations. The OSY expenditure rate for local area funds is calculated after subtracting funds spent on administrative costs. WDC allocates formula funds by pooling administrative cost funds from each program (Adult, Dislocated Worker and Youth) in a Local Administrative Cost (LAC) fund. Since each allocated program fund excludes the 10% administrative costs, the 75 percent OSY minimum for the Youth program is 75 percent of the Youth program allocation.

14. Program Expenditures Prior to Participation (TEGL 21-16, p. 7)

There are limited instances where WIOA youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds can be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level) prior to eligibility determination, but they cannot be spent on youth program services, such as the 14 program elements which are described in section 7, prior to eligibility determination.

15. Self-Attestation (TEGL 7-18, attachment 1, p. 1)

Self-attestation (also referred to as a participant statement) occurs when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements, and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the State management information system, with an electronic signature. Self-attestation is an exception and should not be used as a regular method of determining eligibility.

16. Serving 18 to 24-Year Old Youth (TEGL 21-16, p. 8)

As discussed in 20 CFR § 681.430, “individuals who meet the respective program eligibility requirements may participate in WIOA Title I adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local program operators may determine, for these individuals, the best mix of services under the youth and adult programs.”

School status at time of enrollment may determine which program options are appropriate for this population because young adults who are in school are only eligible for the Title I youth program if they are 21 or younger at the time of enrollment.

Some 18 to 24-year-old may be ready for adult services due to life experiences such as having gained occupational skills through education or training, prior work experiences, adult schedules, family responsibilities, and the participant’s needs. Others need specific youth services covered in the 14 WIOA youth program elements based on characteristics such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessments of their skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate program(s) for young adults.

As discussed in 20 CFR § 681.430, if a young adult’s needs can best be met by co-enrollment in the WIOA Title I youth and adult programs, “local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services.”

17. Work Experience 80/20 Expenditure Rule (TEGL 23-14, p. 8)

WIOA section 129(c)(4) prioritizes work experiences with the requirement that local areas must spend a minimum of 20 percent of allocated Youth program funds on work experience. Under WIOA, paid and unpaid work experiences that have as a component academic and occupational education may include the following four categories:

- summer employment opportunities and other employment opportunities available throughout the school year;
- pre-apprenticeship programs;
- internships and job shadowing; and
- on-the-job training opportunities.

The Department encourages local programs to coordinate work experiences, particularly summer employment, with other youth serving organizations and agencies.

Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experience. Like the 75 percent OSY expenditure requirement, administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. WDC allocates Youth program funds after subtracting the administrative cost funds and pooling them in the Local Administrative Cost fund. The work experience 20 percent minimum expenditure rate is calculated based on the allocated Youth program funds and is not applied separately for ISY and OSY.

18. Work Experience Allowable Expenditure Activities (TEGL 8-15, p. 7)

Program expenditures on the work experience program element can include the following:

- Wages paid to youth in work experience;
- Staff time spent identifying potential work experience opportunities;
- Staff time working with employers to develop the work experience;
- Staff time spent working with employers to ensure a successful work experience;
- Staff time spent evaluating the work experience;
- Participant work experience orientation sessions;
- Employer work experience orientation sessions; and
- Classroom training or the required academic education component directly related to the work experience.

Supportive services are a separate program element and ***cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.***

19. Youth Committee. (TEGL 23-14, p.6) (TEGL 8-15, p. 6)

Local Boards are responsible for the oversight of youth programs. The Department encourages Local Boards to establish a standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall

include community-based organizations with a demonstrated record of success in serving eligible youth (Sec. 107(b)(4)(A)(ii) of WIOA).

The committee shall be chaired by a member of the local board, may include other members of the local board, and shall include other individuals appointed by the local board who are not members of the local board and who the local board determines have appropriate experience and expertise. (Sec. 107(b)(4)(A) of WIOA).

A Local Board may also choose not to establish a youth committee at all. If so, the Local Board is still responsible for conducting oversight of youth workforce investment activities under WIOA section 129(c) and identifying eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis.

What does a youth committee do? (20 CFR, Sec. 681.120)

Under the direction of the Local WDB, a standing youth committee may:

- (a) Recommend policy direction to the Local WDB for the design, development, and implementation of programs that benefit all youth;
- (b) Recommend the design of a comprehensive community workforce development system to ensure a full range of services and opportunities for all youth, including disconnected youth;
- (c) Recommend ways to leverage resources and coordinate services among schools, public programs, and community-based organizations serving youth;
- (d) Recommend ways to coordinate youth services and recommend eligible youth service providers;
- (e) Provide on-going leadership and support for continuous quality improvement for local youth programs;
- (f) Assist with planning, operational, and other issues relating to the provision of services to youth; and
- (g) If so delegated by the Local WDB after consultation with the chief elected official (CEO), oversee eligible youth providers, as well as other youth program oversight responsibilities.

20. Fourteen (14) Program Elements Description (21-16, p. 14)

Documenting receipt of program elements is critical to ensure that youth who are actively participating in programs are not unintentionally soft-exited due to 90 days of no service. All 14 WIOA youth program elements are in the PIRL and services received are to be reported in the applicable program element in the PIRL.

Program Element 1: Tutoring, study skills training, instruction, and dropout prevention.

In 20 CFR § 681.460 (a)(1), this is the first program element listed and includes “tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential.”

Tutoring, study skills training, and instruction that lead to a *high school diploma* are reported under this program element. Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. Tutoring, study skills training, and instruction can be provided one-on-one, in a group setting, through resources and workshops.

Secondary school dropout prevention strategies intended to lead to a high school diploma are also reported under this program element. Secondary school dropout prevention strategies include services and activities that keep a young person in-school and engaged in a formal learning and/or training setting. Strategies include, but are not limited to tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

On the other hand, while dropout recovery strategies that lead to completion of a recognized high school equivalency are included in both this first program element and in program element 2, in 20 CFR § 681.460 (a)(2) described below, those services are not reported under this program element. For documentation purposes, those services aimed at getting a youth who has dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program and preparing them for high school equivalency attainment, should be counted under program element 2 (20 CFR § 681.460 (a)(2)).

Furthermore, while the statutory and regulatory language for both program elements 1 and 4 (discussed below) include language discussing services leading to recognized postsecondary credentials, training services that lead to recognized postsecondary credentials should be reported under program element 4, occupational skills training to avoid duplicated reporting of services.

Program Element 2: Alternative secondary school services or dropout recovery services.

This element was not further explained in the Final Rule. Under 20 CFR § 681.460 (a)(2), alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a Second Language training, are those that assist youth who have struggled in traditional secondary education. Dropout recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school. While the activities within both types of services may overlap, each are provided with the goal of helping youth to re-engage and persist in education that leads to the completion of a recognized high school equivalent.

Program Element 3: Paid and unpaid work experience.

20 CFR § 681.600 further defines work experience as “a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Consistent with 20 CFR § 680.840, funds provided for work experiences may not be

used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. Work experiences provide the youth participant with opportunities for career exploration and skill development.” Additional information on the employer/employee relationship may be found on USDOL’s Wage and Hour Division website.

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. For more details refer to paragraphs #18 and 19 above. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

Academic and occupational education component. As discussed in 20 CFR § 681.600, work experiences must include academic and occupational education. The educational component may occur concurrently or sequentially with the work experience. The academic and occupational education component may occur inside or outside the work site. The work experience employer can provide the academic and occupational component, or such components may be provided separately in the classroom or through other means. States and local areas have the flexibility to decide who provides the education component. The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries and/or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament. Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience.

Categories of work experience. WIOA identifies four categories of work experience: (1) summer employment opportunities and other employment opportunities available throughout the school year; (2) pre-apprenticeship programs; (3) internships and job shadowing; and (4) on-the-job training (OJT) opportunities as defined in WIOA Section 3(44) and in 20 CFR § 680.700. Two of the categories, job shadowing and pre-apprenticeship, are discussed below.

Job shadowing is a work experience option where youth learn about a job by walking through the work-day as a shadow to a competent worker. The job shadowing work experience is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant. Youth witness firsthand the work environment, employability and occupational skills in practice, the value of professional training, and potential career options. A job-shadowing experience can be anywhere from a few hours, to a day, to a week or more.

Job shadowing is designed to increase career awareness, help model youth behavior through examples, and reinforce in the youth and young adult the link between academic classroom learning and occupational work requirements. It provides an opportunity for youth to conduct

short interviews with people in their prospective professions to learn more about those fields. Job shadowing can be thought of as an expanded informational interview. By experiencing a workplace first-hand, youth can learn a great deal more about a career than through research in print publications and on the Internet.

As discussed in 20 CFR § 681.480, pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the National Apprenticeship Act. . . [and] referred to ... as a registered apprenticeship or registered apprenticeship program) and includes the following elements: (a) training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved; (b) access to educational and career counseling and other supportive services, directly or indirectly; (c) hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career; (d) opportunities to attain at least one industry-recognized credential; and (e) a partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

Program Element 4: Occupational skills training.

As stated in 20 CFR § 681.540 of the final rule, occupational skills training is defined as an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Local areas must give priority consideration to training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the local area. Such training must:

- (1) be outcome-oriented and focused on an occupational goal specified in the individual service strategy;
- (2) be of sufficient duration to impart the skills needed to meet the occupational goal; and
- (3) lead to the attainment of a recognized postsecondary credential.

In addition, the chosen occupational skills training must meet the quality standards in WIOA Section 123.

As discussed in 20 CFR § 681.550 “in order to enhance individual participant choice in education and training plans and provide flexibility to service providers, the Department allows WIOA Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds, when appropriate.” ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List as outlined in § 680.400 and 680.410. ITAs are governed by the LWDB policy.

ISY cannot use youth program funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult’s individual needs, knowledge, skills, and

interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

Program Element 5: Education offered concurrently with workforce preparation and training for a specific occupation.

20 CFR § 681.630 states that this program element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. While programs developing basic academic skills, which are included as part of alternative secondary school services and dropout recovery services (program element 2), workforce preparation activities that occur as part of a work experience (program element 3), and occupational skills training (program element 4) can all occur separately and at different times (and thus are counted under separate program elements), this program element refers to the concurrent delivery of these services which make up an integrated education and training model.

Program Element 6: Leadership development opportunities.

20 CFR § 681.520 defines this program element as opportunities that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as: (a) exposure to postsecondary educational possibilities; (b) community and service learning projects; (c) peer-centered activities, including peer mentoring and tutoring; (d) organizational and team work training, including team leadership training; (e) training in decision-making, including determining priorities and problem solving; (f) citizenship training, including life skills training such as parenting and work behavior training; (g) civic engagement activities which promote the quality of life in a community; and (h) other leadership activities that place youth in a leadership role such as serving on youth leadership committees, such as a Standing Youth Committee.

Program Element 7: Supportive services.

20 CFR § 681.570 describes supportive services for youth as defined in WIOA Sec. 3(59), are services that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following: (a) linkages to community services; (b) assistance with transportation; (c) assistance with child care and dependent care; (d) assistance with housing; (e) needs-related payments; (f) assistance with educational testing; (g) reasonable accommodations for youth with disabilities; (h) legal aid services; (i) referrals to health care; (j) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; (k) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and (l) payments and fees for employment and training-related applications, tests, and certifications. Supportive services may only be offered if the LWDB has a supportive policy in place.

Program Element 8: Adult mentoring.

20 CFR § 681.490 states that adult mentoring must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship

between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. The final rule also states that while group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Mentoring may include workplace mentoring where the local program matches a youth participant with an employer or employee of a company. Local programs should ensure appropriate processes are in place to adequately screen and select mentors. USDOL acknowledges that in a few areas of the country finding mentors may present a burden to a program. While USDOL strongly prefers that case managers not serve as mentors, the final rule allows case managers to serve as mentors in areas where adult mentors are sparse.

Program Element 9: Follow-up services.

20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise.” Follow-up services may begin immediately following the last expected date of service in the Youth program (and any other USDOL program in which the participant is co-enrolled). Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.

The exit date is determined when the participant has not received services in the Youth program or any other USDOL-funded program in which the participant is co-enrolled for 90 days and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last date of service. Once 90 days of no services, other than follow-up services, self-service, and information-only services and activities, has elapsed and the participant has an official exit date applied retroactively to the last date of service, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement. The 12-month follow-up requirement is completed upon one year from the date of exit.

The final rule also states that follow-up services for youth also may include the following program elements: (1) supportive services; (2) adult mentoring; (3) financial literacy education; (4) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and (5) activities that help youth prepare for and transition to postsecondary education and training. Provision of these program elements must occur after the exit date in order to count as follow-up services.

USDOL recommends that when these services are provided as follow-up services they are coded as follow-up services in state/local management information systems as opposed to program services provided prior to program exit so that management information systems clearly differentiate follow-up services from those services provided prior to exit. In addition, such

follow-up services should be documented in the case file that they were provided as follow-up services post exit.

20 CFR § 681.580 states that all youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. Furthermore, follow-up services must be provided to all participants for a minimum of 12 months unless the participant declines to receive follow-up services or the participant cannot be located or contacted. Follow-up services may be provided beyond 12 months at the State or Local WDB's discretion.

The types of services provided, and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. USDOL recognizes the concerns that some youth may not be responsive to attempted contacts for follow-up, and other youth may be difficult to locate making it impossible to provide follow-up services for such individuals.

Local programs should have policies in place to establish how to document and record when a participant cannot be located or contacted. At the time of enrollment, youth must be informed that follow-up services will be provided for 12 months following exit. If at any point in time during the program or during the 12 months following exit the youth requests to opt out of follow-up services, they may do so. In this case, the request to opt out or discontinue follow-up services made by the youth must be documented in the case file.

Program Element 10: Comprehensive guidance and counseling.

20 CFR § 681.510 states that comprehensive guidance and counseling provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of service. When resources exist within the local program or its service providers, it is allowable to provide counseling services directly to participants rather than refer youth to partner programs.

Program Element 11: Financial literacy education.

20 CFR § 681.500 states that this program element may include the following activities:

- (1) support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions;
- (2) support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- (3) teach participants about the significance of credit reports and credit scores; what their rights are regarding their credit and financial information; how to determine the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;

- (4) support a participant’s ability to understand, evaluate, and compare financial products, services, and opportunities and to make informed financial decisions;
- (5) educate participants about identity theft, ways to protect themselves from identify theft, and how to resolve cases of identity theft and in other ways understand their rights and protections related to personal identity and financial data;
- (6) support activities that address the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
- (7) support activities that address the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling;
- (8) provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice, such as by access to safe and affordable financial products that enable money management and savings;
- (9) implement other approaches to help participants gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age-appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance, tools, and instruction.

In November of 2016, the Financial Literacy Education Commission released a guide, “Incorporating Financial Capability into Youth Employment Programs,” aimed at financial institutions interested in enhancing youth financial capability by partnering with youth employment programs. It maps how and why financial institutions engage in helping young people achieve greater financial well-being and employment success and can be found at the U.S. Department of Treasury site: https://www.treasury.gov/resource-center/financial-education/SiteAssets/Pages/flec11032016/Resource%20Guide%20for%20Financial%20Institutions_FLEC%20D11%202%2016.pdf

Program Element 12: Entrepreneurial skills training.

20 CFR § 681.560 states this program element provides the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship. Such skills may include, but are not limited to, the ability to:

- take initiative;
- creatively seek out and identify business opportunities;
- develop budgets and forecast resource needs;
- understand various options for acquiring capital and the trade-offs associated with each option; and
- communicate effectively and market oneself and one’s ideas.

Approaches to teaching youth entrepreneurial skills may include, but are not limited to:

- 1) Entrepreneurship education that provides an introduction to the values and basics of starting and running a business. Entrepreneurship education programs often guide youth through the development of a business plan and also may include simulations of business start-up and operation.

- 2) Enterprise development which provides supports and services that incubate and help youth develop their own businesses. Enterprise development programs go beyond entrepreneurship education by helping youth access small loans or grants that are needed to begin business operation and by providing more individualized attention to the development of viable business ideas.
- 3) Experiential programs that provide youth with experience in the day-to-day operation of a business. These programs may involve the development of a youth-run business that young people participating in the program work in and manage. Or, they may facilitate placement in apprentice or internship positions with adult entrepreneurs in the community.

Program Element 13: Services that provide labor market information.

Under 20 CFR § 681.460 (a)(13), this element includes “services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.” This element is not further described in the Youth section of the final rule; however, the Wagner-Peyser regulation at 20 CFR § 651.10 provides additional information about this element under the definition of workforce and labor market information. That section defines workforce and labor market information as “the body of knowledge that describes the relationship between labor demand and supply.”

Numerous tools and applications that are user-friendly exist, which can be used to provide labor market and career information, as appropriate to each youth. These labor market information (LMI) tools can be used to help youth and young adults to make appropriate decisions about education and careers. LMI identifies in-demand industries and occupations and employment opportunities; and, provides knowledge of job market expectations including education and skills requirements and potential earnings. LMI tools also can aid in facilitating youth awareness of the career fields that are likely to provide long-term employment and earnings in local labor markets.

WIOA youth programs and providers should become familiar with state and federal LMI data and LMI tools, which are provided for free by agencies, in order to share relevant LMI with youth. Providing such readily available online services can be accomplished by connecting the youth with American Job Centers and other entities that have career exploration tools, ability and interest inventories, and provide related employment services. USDOL electronic tools particularly relevant to youth include My Next Move and Get My Future. In addition to connecting youth to self-service LMI tools, it is important for youth providers to share and discuss state and local LMI with youth participants.

In general, career awareness begins the process of developing knowledge of the variety of careers and occupations available, their skill requirements, working conditions and training prerequisites, and job opportunities across a wide range of industry sectors. The process in which youth choose an educational path and training or a job which fits their interests, skills and abilities can be described as career exploration. Career counseling or guidance provides advice

and support in making decisions about what career paths to take. Career counseling services may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training (e.g., increased earning power and career mobility).

Program Element 14: Postsecondary preparation and transition activities.

In 20 CFR § 681.460 (a)(14), the final program element is activities that help youth prepare for and transition to postsecondary education and training. This element is not further described in the final rule. Postsecondary preparation and transition activities and services prepare ISY and OSY for advancement to postsecondary education after attaining a high school diploma or its recognized equivalent.

These services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeship. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT testing; assisting with college admission applications; searching and applying for scholarships and grants; filling out the proper Financial Aid applications and adhering to changing guidelines; and connecting youth to postsecondary education programs.

Attachment 2: Primary Indicators of Performance for Youth Section 116 of WIOA

Under section 116(b)(2)(A)(ii) of WIOA, there are six primary indicators of performance for youth. Currently, five of six indicators are implemented statewide.

Refer to WDC WIOA Bulletin No. 19-18 for PY 2018 and PY 2019 Local Workforce Development Board Performance Negotiations for Workforce Innovation and Opportunity Act (WIOA) Title I Adult, Dislocated Worker, and Youth Programs. Negotiated WIOA Performance Goals may also be found in the current Hawaii WIOA Unified State Plan

1. **Employment/Education/Training Rate – 2nd Quarter After Exit:** The percentage of participants who are in education or training activities, or in unsubsidized employment during the second quarter after exit from the program.
2. **Employment/Education/Training Rate – 4th Quarter After Exit:** The percentage of participants who are in education or training activities, or in unsubsidized employment during the fourth quarter after exit from the program.
3. **Median Earnings – 2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.
4. **Credential Attainment:** The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.
5. **Measurable Skill Gains:** The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:
 - Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
 - Documented attainment of a secondary school diploma or its recognized equivalent: secondary or post-secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;

- Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
 - Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.
- 6. Effectiveness in Serving Employers:** The USDOL identified three potential measures of Effectiveness in Serving Employers:
- a) Employer Penetration Rate, the total number of establishments, as defined by the Bureau of Labor Statistics Quarterly Census of Earnings and Wages (BLS QCEW) program that received a service or are continuing to receive a service during the reporting period divided by the total number of establishments as defined by the BLS QCEW located within the state during the final month or quarter of the reporting period. Repeat Business Customers, the total number of establishments (BLS QCEW) that received a service during the reporting period and who utilized a service anytime within the previous three years divided by the number of unique business customers who have received a service previously in the last three years.
 - c) Retention Rate, Employment Rate 4th Quarter after Exit, the percentage of participants who are in unsubsidized employment during the fourth quarter after exit from program.

The USDOL requires that states choose two of the above measures or propose other measures. Hawaii's WIOA Core Partners have chosen Repeat Business Customers and Retention rate for measuring Effectiveness in Serving Employers.

Attachment 3: References

1. Workforce Development Council (WDC) WIOA COVID-19 MEMORANDUM, Subject: Youth Program, Work Experience Requirement, Assessments
2. WDC WIOA Bulletin 26-19 (SN-26), Subject: Minimum Work Experience Requirement for Youth Program Funds
3. WDC WIOA Bulletin 19-18 (SN-19), Subject: PY 2018 and PY 2019 Local Workforce Development Board Performance Negotiations for Workforce Innovation and Opportunity Act (WIOA) Title I Adult, Dislocated Worker, and Youth Programs
4. Training and Employment Guidance Letter WIOA No. 7-18, Subject: Guidance for Validating Jointly Required Performance Data Submitted under the Workforce Innovation and Opportunity Act (WIOA).
5. Training and Employment Guidance Letter WIOA No. 21-16, Subject: Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance.
6. Training and Employment Guidance Letter WIOA No. 8-15, Subject: Second Title I WIOA Youth Program Transition Guidance.
7. Training and Employment Guidance Letter WIOA No. 23-14, Subject: Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition.
8. Workforce GPS, WIOA Youth Program Reference Tool,
<https://youth.workforcegps.org/resources/2017/04/05/11/21/ReferenceTool>
9. The Workforce Innovation and Opportunity Act (WIOA) (Public Law (Pub. L. 113-128)) Title I and IV, enacted July 22, 2014
10. WIOA Regulations at 20 CFR part 681