

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

Mass Workforce Issuance

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Policy Information

To: Chief Elected Officials
Workforce Board Chairs
Workforce Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: December 18, 2015

Subject: **Second Title I WIOA Youth Program Transition Guidance**

Purpose: To notify local Workforce Boards, One-Stop Career Center Operators and other local workforce development partners of the Training and Employment Guidance Letter ([TEGL No. 8-15](#): *Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA)*), released November 17, 2015. This is the second TEGL released from the Department of Labor to provide guidance and planning information for recipients of WIOA Title I youth formula funds and the activities associates with the implementation of WIOA.

Background: Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other Federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). Title I of WIOA affirms the Department of Labor's (DOL) commitment to providing high-quality services for all youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in postsecondary education, or a Registered Apprenticeship. All of the DOL's youth-serving programs continue to promote evidence-based strategies to assist in

achieving high-levels of performance, accountability, and quality in preparing young people for the workforce.

On March 26, 2015, DOL published [TEGL No. 23-14](#) providing guidance on WIOA youth program transition. TEGL No. 8-15 is the second of two TEGLs that address key provisions in WIOA and provides guidance to assist states and local areas in transitioning to WIOA youth program implementation.

With the shift under Title I of WIOA to expend at least 75 percent of funds on OSY, DOL anticipates that the cost per participant under WIOA may increase as many OSY require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program.

TEGL No. 8-15: *Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA)* provides additional guidance and clarity on the following provisions:

Resolution and Apparent Conflict between TEGL No. 23-14 and [TEGL No. 38-14](#)

- All PY 2014 funds carried over to PY 2015 still retain the 30 percent OSY expenditure minimum as stated in TEGL 23-14.

Eligibility Changes

- The pool of individuals that meet the eligibility as an OSY has increased significantly due to three changes: 1) increased age eligibility allows youth through age 24 to be as an OSY, 2) only two categories of OSY require low-income for eligibility, and 3) those of compulsory school age who have not attended school in the most recent school year quarter, are considered OSY.
- For the purpose of Title I WIOA, DOL does not consider providers of Adult Education under Title II of WIOA, YouthBuild programs, and Job Corps programs to be “schools.” WIOA youth programs may consider a youth to be OSY for the purposes of WIOA youth program eligibility if they are attending Adult Education provided under Title II of WIOA, YouthBuild, or Job Corps.

Low-Income Individual Definition

- Under WIOA, a youth who receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act, is considered low-income.
- A youth living in a high-poverty area is automatically considered to be low-income. Please refer to MassWorkforce Policy #100.DCS 19.102 “Youth Eligibility: High Poverty Area” for additional guidance on this criterion.

Determination of School Status

- Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment and the status of the youth remains the same throughout the youth's participation in the WIOA youth program.
- The school status of a youth enrolled under WIA remains the same school status when their program participation has been "grandfathered" into WIOA (post-July 1, 2015).
- The term "school" refers to both secondary and postsecondary school.
- 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.
- As stated in TEGE No. 23-14, "the 75 percent expenditure rate is a minimum requirement, therefore states and local areas can spend up to 100 percent of their local area youth funds on OSY if they choose."

Additional Assistance Barrier

- In WIOA there is 5 percent limitation related to the "additional assistance" criterion that applies only to ISY. WIOA section 129(a)(3)(B) states that in each local area not more than 5 percent of the ISY may be eligible under the ISY barrier "requires additional assistance to complete an educational program or to secure or hold employment."
- For PY2015, the 5 percent limitation is only based on participants who enroll on or after July 1, 2015.
- Participants that were enrolled under WIA and carried into WIOA are not factored into the 5 percent "additional assistance" limitation.
- For OSY the term "to enter" has been added to the provision of "an individual who requires additional assistance to complete an educational program or to secure or hold employment." The provision for OSY now reads "an individual who requires additional assistance *"to enter"* or complete an educational program or to secure or hold employment."

Low-Income Exception

- WIOA maintains a 5 percent low-income eligibility exception whereby 5 percent of local area participants who would ordinarily need to be low-income do not need to meet the low-income provision.
- The 5 percent low-income calculation 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.

Youth Standing Committees

- Under Title I of WIOA, Youth Standing Committees represent a new mechanism for states and Local Boards to coordinate area-wide youth

services, assist with planning, and oversee operational programs related to youth services.

- Existing Youth Councils may be designated as the Youth Standing Committee if they fulfill the requirements of a Youth Standing Committee.
- Local Boards that decide to form a Youth Standing Committee must include a member of the Local Board who chairs the committee, members of community-based organizations with demonstrated record of success in serving eligible youth, and other individuals with appropriate expertise and experience who are not members of the Local Board.
- The Youth Standing Committee may also include parents, participants, and youth.

Work Experience Expenditure Requirement

- Title I of WIOA includes a new requirement that a minimum of 20 percent of local area funds must be spent on work experience.
- TEGl 23-14 explains that program expenditures on the work experience program elements can be more than just wages paid to youth in work experience.
- Allowable expenditures can include 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, classroom training or the required academic education component directly related to the work experience, as well as orientation for employers.

Partner Programs

- As WIOA broadens the required program elements and focuses on a more difficult to serve population, program partnerships are critical.
- WIOA encourages the further alignment and leveraging, as appropriate, of the Title II Adult Education and Family Literacy Act and the Title IV Vocational Rehabilitation program resources and policies.

Partnerships and Collaboration Opportunities with Title II Adult Education and Family Literacy Act (AEFLA)

- Under WIOA, AEFLA expands the activities that can be provided to eligible individuals.
- New activities include workforce preparation and integrated education and training, two activities that are prominent in the WIOA Youth program. This presents an opportunity for the Title I youth and Title II programs to coordinate to ensure successful education and employment outcomes for OSY.
- Examples of where coordination can occur:

- Coordination of services to low-skilled adults
- Integrated Education and Training, Workforce Preparation, and Career Pathways

Partnerships and Collaboration Opportunities with Title IV-Rehabilitation Act

- WIOA places significant emphasis on serving students and youth with disabilities by increasing work opportunities to improve workplace skills, including internships and apprenticeships.
- WIOA encourages pro-active engagement between the workforce development system and Vocational Rehabilitation (VR) agencies around the strategic planning process, including the strategic vision and goals for the preparing and educating all individuals served by the workforce system and for meeting the needs of employers.
- Examples of coordination opportunities include:
 - Pre-Employment Transition Services which include: job exploration counseling; work-based learning experiences in an integrated environment in the community (including internships); counseling on enrollment in comprehensive transition of postsecondary education programs; workplace readiness training to develop social skills and independent living; and instruction in self-advocacy, including peer mentoring; and other authorized activities (if funds are available and remaining after the required activities are provided).

Disability Standing Committees

- WIOA states that Local Boards may establish standing committees including a Youth Standing Committee as well as a committee focusing on individuals with disabilities.
- Both the Youth and Disabilities Standing Committee can serve as important forums to influence the ability of the workforce system to meet the needs of youth, including youth with significant disabilities.

References: Department of Labor Employment and Training Administration Training and Employment Guidance Letter ([TEGL No. 8-15](#)): Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA), released November 17, 2015.

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