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DATE: June 10, 2019

TO: South Bay One-Stop Business &
Career Center Youth Services

SUBJECT: YOUTH DIRECTIVE NO.18-03
WIOA YOUTH PROGRAM REQUIREMENT UPDATE

PURPOSE

Attached is the Employment Development Department Workforce Service Directive 17-17, dated January 16, 2018 that provides guidance and establishes the procedures regarding the Workforce Innovation and Opportunity Act (WIOA) youth program, including the 75 percent out-of-school (OS) youth and 20 percent work experience minimum expenditure requirements.

SCOPE

This directive applies to the South Bay One-Stop Business Career Centers who serve youth with WIOA funds.

EFFECTIVE DATE

This directive is effective immediately.

STATE-IMPOSED REQUIREMENTS

The attached directive contains some state-imposed requirements. These requirements are indicated by bold, italic type.

ACTION

Bring this directive to the attention of staff and other relevant parties.

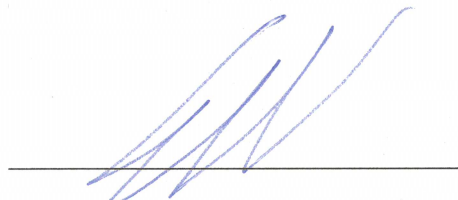
FILING INSTRUCTIONS

This directive supersedes SBWIB Directive 16-01, dated July 21, 2016. Retain this directive until further notice.

JAN VOGEL
EXECUTIVE DIRECTOR

INQUIRIES

If you have any questions regarding this directive, please contact the Compliance Manager,
at (310) 970 - 7700.



Jan Vogel
Executive Director

Attachment: https://www.edd.ca.gov/Jobs_and_Training/pubs/wsd17-07.pdf

WIOA YOUTH PROGRAM REQUIREMENTS

EXECUTIVE SUMMARY

This policy provides the guidance and establishes the procedures regarding the *Workforce Innovation and Opportunity Act* (WIOA) youth program, including the 75 percent out-of-school (OS) youth and 20 percent work experience minimum expenditure requirements. This policy applies to Local Workforce Development Boards (Local Boards) and Local Workforce Development Areas (Local Areas), and is effective immediately.

This policy contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

This Directive finalizes Workforce Services Draft Directive *WIOA Youth Program Requirements* (WSDD-171), issued for comment on September 14, 2017. The Workforce Development Community submitted three comments during the draft comment period. A summary of comments, including all changes, is provided as Attachment 4.

This policy supersedes Workforce Services Directive *WIOA Youth Program Requirements* (WSD16-01), dated July 6, 2016. Retain this directive until further notice.

REFERENCES

- WIOA (Public Law 113-128)
- Title 2 *Code of Federal Regulations* (CFR) Part 200: “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Uniform Guidance)
- Title 2 CFR Part 2900: “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Department of Labor [DOL] Exceptions)
- Title 20 CFR Part 681: “Youth Activities under Title I of the WIOA”
- Title 20 *United States Code* (U.S.C.) Section 1401: “Definitions”

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Training and Employment Guidance Letter (TEGL) [21-16](#), *Third WIOA Title I Youth Formula Program Guidance* (March 2, 2017)
- TEGL [8-15](#), Subject: *Second Title I WIOA Youth Program Transition Guidance* (November 17, 2015)
- TEGL [23-14](#), Subject: *WIOA Youth Program Transition* (March 26, 2015)
- TEGL [19-14](#), Subject: *Vision for the Workforce System and Initial Implementation of the WIOA* (February 19, 2015)
- TEGL [12-14](#), Subject: *Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for WIOA Transitional Activities* (October 28, 2014)
- TEGL [13-09](#), Subject: *Contracting Strategies That Facilitate Serving the Youth Most In Need* (February 16, 2010)
- California *Education Code* (EC) Sections 47612.1, 58500, and 66010
- California Unemployment Insurance Code Section 14209
- Workforce Services Directive [WSD16-1](#), Subject: *WIOA Youth Program Requirements* (September 16, 2016)

BACKGROUND

The WIOA Section 129 introduces key investments in OS youth and work experience. Specifically, it increases the minimum OS youth expenditure rate from 30 percent under WIA to 75 percent under WIOA, and introduces a 20 percent work experience expenditure requirement. Additionally, it adds new program elements, increasing the number of required youth program elements from 10 under WIA to 14 under WIOA.

Operational implementation of the WIOA youth program began July 1, 2015, with all provisions taking effect July 1, 2016. Local Areas were expected to use their PY 2015-16 WIOA youth formula funds to properly align their youth programs and services in preparation for full WIOA youth program implementation effective July 1, 2016.

On August 19, 2016, the DOL issued the WIOA Final Rules. Among other things, the WIOA Final Rules establish a poverty rate of 25 percent for a youth living in a high poverty area, allow Local Boards to directly provide youth services, allow for youth work experiences education and work components to be provided sequentially, and clarify youth program eligibility. The DOL has also published three additional TEGs since 2015 providing further guidance and clarification for the WIOA Title I youth program. Therefore, the state is issuing its third iteration of the *WIOA Youth Program Requirements* directive to ensure state guidance is in full alignment with the WIOA Statute, the WIOA Final Rules, TEGL 23-14, TEGL 8-15, and TEGL 21-16.

Although some of the deadlines for implementation of the WIOA requirements have passed, the Employment Development Department (EDD) chose to retain past deadlines in this directive for compliance monitoring purposes.

POLICY AND PROCEDURES

Definitions

For the purposes of this directive, the following definitions apply:

Adult Education – academic instruction and education services below the postsecondary level that increases an individual’s ability to: read, write, and speak in English, and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to postsecondary education and training; and obtain employment (WIOA Section 203).

Alternative school – an alternative school is a type of school designed to achieve grade-level (K-12) standards and meet student needs (EC Section 58500). Examples of alternative schools include, but are not limited to, continuation, magnet, and charter schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

Attending School – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School (IS) youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered Out-of-School (OS) youth if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall (TEGL 21-16).

Not Attending School – an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
 - A youth attending a high school equivalency program funded by the public K-12 school system who is classified by the school system as still enrolled in

school are the exception; the youth would be considered an IS youth (Title 20 CFR Section 681.230).

- Non-credit bearing postsecondary classes only (TEGL 21-16).
- ***A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).***

Offender – An adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial (WIOA Section 3[38]).

Postsecondary School – California community colleges, and accredited public and private universities (EC Section 66010).

School – any secondary or postsecondary school (Title 20 CFR Section 681.230). ***These include, but are not limited to, traditional K-12 [public schools](#) and [private schools](#) (e.g., [continuation](#), [magnet](#), [charter](#), and [home](#)).***

School Dropout – an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]). Per TEGL 8-15, this term does not include individuals who dropped out of postsecondary school.

Secondary School – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12 (Title 20 U.S.C. Section 1401[27]).

Youth Eligibility Criteria

The WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible to participate in the WIOA youth program, an individual must be an OS youth or an in-school (IS) youth.

Youth enrolled after July 1, 2015, must meet the WIOA eligibility criteria. After July 1, 2015, all Workforce Investment Act (WIA) youth participants who are enrolled in the WIA youth program must be grandfathered into the WIOA youth program, even if the participant would not otherwise be eligible for the WIOA. Local youth programs are not required to complete an eligibility re-determination if the participant has been determined eligible and enrolled under the WIA. Furthermore, these participants must be allowed to complete the WIA services specified in their individual service strategy.

OS Youth Eligibility

In order to receive services as an OS youth, an individual must meet the following eligibility criteria:

1. Not attending any secondary or postsecondary school (not including Title II Adult Education, YouthBuild, Job Corps, high school equivalency programs [exceptions in definitions], non-credit bearing postsecondary classes, dropout reengagement programs **or charter schools with federal and state workforce partnerships**).
2. Age 16-24 years old.
3. One or more of the following barriers:
 - a. A school dropout.
 - b. 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 quarter.
 - i. Note – If the school does not use school year quarters, Local Areas must use calendar quarters.
 - c. 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.
 - d. An offender.
 - e. A homeless individual or a runaway.
 - f. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the *Social Security Act*, or in an out-of-home placement.
 - g. An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 - h. An individual with a disability.
 - i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(Title 20 CFR Section 681.210)

A youth participant's eligibility is determined at intake. Therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OS youth at time of enrollment and is subsequently placed in school is still considered an OS youth. Additionally, an individual who is an OS youth and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OS youth until exited.

IS Youth Eligibility

In order to receive services as an IS youth, an individual must meet the following eligibility criteria:

1. Attending school, including secondary and postsecondary school.
2. Age 14-21 years old (A youth with disabilities who is in an individualized education program at the age of 22 may be enrolled as an IS youth [TEGL 21-16 and EC 56026]).
3. Low income individual.
4. Meets one or more of the following barriers:
 - a. Basic skills deficient.
 - b. An English language learner.
 - c. An offender.
 - d. A homeless individual or runaway.
 - e. An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act, or in an out-of-home placement.
 - f. Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 - g. An individual with a disability.
 - h. An individual who requires additional assistance to complete an educational program or secure and hold employment.

(Title 20 CFR Section 681.220)

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an IS youth and between the ages of 14-21 at the time of enrollment, and is now beyond the age of 21, is still considered an IS youth until exited.

Low-Income

Under WIOA, a youth who receives or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act, is considered to be low-income. While the free/reduced lunch low-income category primarily applies to IS Youth, OS youth may also qualify as low income if the youth 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. However, not all youth who receive a free or reduced priced lunch automatically qualify as low-income for the WIOA youth program eligibility. In areas where a school district subsidizes all student meals under the Hunger-Free Kids Act of 2010, the Local Area must base low-income status on an individual student's eligibility to receive free or reduced price lunch or on the youth's ability to meet one of the other low-income categories under WIOA.

A youth living in a high-poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data. Local Areas may access ACS 5-Year data on the [U.S. Census Fact Finder](#) website to determine the poverty rate. TEGL 21-

16, [Attachment 2](#) - *Determining Whether Youth are Living in a High Poverty Area*, provides step-by-step instruction on how to calculate the poverty rate.

Calculating Income

For income calculation purposes, if an individual is not living in a single residence with other family members that individual is not considered a member of a family. When determining a youth's eligibility based on low-income status, Local Areas must do the following:

- Include Unemployment Insurance as income.
- Include child support payments as income.
- For IS youth with a disability, consider only the youth's own income rather than their family's income.

(TEGL 21-16)

Low-Income Exception

The WIOA maintains a five percent low-income eligibility exception where five percent of Local Area youth participants who ordinarily would need to be low-income do not need to meet the low-income provision. However, because not all OS youth are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. The five percent low-income exception may include OS youth under eligibility categories 3c and 3i, IS youth, or a combination of both, not to exceed five percent of all WIOA youth participants served in a given program year.

Requires Additional Assistance

Under WIOA, no more than five percent of IS youth enrolled in a given program year may be found eligible based solely on meeting the criterion, "requires additional assistance." This limitation applies to IS youth enrolled on or after July 1, 2015. Therefore, participants that were enrolled under WIA and carried into WIOA would not be factored in.

Local Boards are responsible for establishing local definitions and eligibility documentation requirements for "requires additional assistance" as it relates to both OS and IS youth. The local policy should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance. As outlined in California's Unified Strategic Workforce Development Plan 2016-2020 (State Plan), examples could include, but are not limited to, the following:

- Have repeated at least one secondary grade level or are one year over age for grade.
- Have a core grade point average of less than 1.5.
- For each year of secondary education, are at least two semester credits behind the rate

required to graduate from high school.

- Are emancipated youth.
- Have aged out of foster care.
- Are previous dropouts or have been suspended five or more times or have been expelled.
- Have received court/agency referrals mandating school attendance.
- Are deemed at risk of dropping out of school by a school official.
- Have been referred to or are being treated by an agency for a substance abuse related problem.
- Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Have serious emotional, medical or psychological problems as documented by a qualified professional.
- Have never held a job (applies to OS youth).
- Have been fired from a job within the 12 months prior to application (applies to OS youth).
- Have never held a full-time job for more than 13 consecutive weeks (applies to OS youth).

OS Youth

The WIOA shifts the primary focus of youth formula funds to support the educational and career success of OS youth. As a result of this shift, the cost per participant under WIOA may increase as many OS youth require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program due to the more intensive and costly services for the increased emphasis on the OS youth population.

OS Youth Expenditure Requirement

Local Areas must spend at least 75 percent of their WIOA youth formula allocation on youth workforce investment activities for OS youth (WIOA Section 129[a][4]). The OS youth expenditure rate is calculated after subtracting funds spent on administrative costs.

The following example illustrates how a Local Area would calculate its 75 percent OS youth expenditure requirement:

Youth Formula Allocation	Administration Costs	Youth Program Expenditure	75 Percent Requirement
\$2,000,000	\$180,000	\$1,820,000	\$1,365,000

In this example, the Local Area's OS youth expenditure requirement is \$1,365,000. The Local Area received \$2 million and spent \$180,000 or nine percent ($2,000,000 \times .09$) on administration costs. The remaining \$1,820,000 ($2,000,000 - \$180,000$) is subject to the 75 percent OS youth expenditure requirement. Therefore, the Local Area would be required to spend at least \$1,365,000 ($\$1,820,000 \times .75$) on OS youth.

Some Local Areas may not have been immediately prepared to spend at least 75 percent of their PY 15-16 youth funds on OS youth. These Local Areas were required to demonstrate progress towards meeting the requirement through increased expenditures on OS youth (compared to their PY 2014-15 youth expenditures). Specifically, by June 30, 2016, Local Areas were required to increase their PY 15-16 OS youth expenditures by at least 10 percentage points over their PY 2014-15 OS youth expenditures, and have a minimum OS youth expenditure rate of 50 percent.

The following table and examples illustrate how a Local Area would have calculated their required increase in OS youth expenditures:

PY 2014-15 OS youth expenditure rate	First year PY 15-16 expenditure requirement
> 40%	Must increase by 10 percentage points
< 40%	Must increase to at least 50%

Example – Required 10 Percentage Point Increase

Funding Year	Youth Formula Allocation	Administration Costs	Youth Program Expenditure	OS Youth Percentage	OS Youth Expenditure
PY 2014-15	\$1,000,000	\$90,000	\$910,000	50%	\$455,000
PY 15-16	\$1,200,000	\$108,000	\$1,092,000	60%	\$655,200

In this example, the Local Area received a PY 2014-15 youth formula allocation of \$1 million. The Local Area spent \$455,000 or 50 percent ($\$910,000 \times .50$) of its program expenditures on OS youth. The Local Area received a PY 15-16 youth formula allocation of \$1.2 million. Since the Local Area had a PY 2014-15 OS youth expenditure rate of 50 percent, it was required to increase its PY 15-16 OS youth expenditure rate at least 10 percentage points to at least 60 percent or \$655,200 ($\$1,092,000 \times .60$).

Courier ATTN: (Name of Regional Advisor)
Central Office Workforce Services Division, MIC 50
Employment Development Department
722 Capitol Mall, Room 5099
Sacramento, CA 95814

FAX 916-657-0055, Attn: (Name of Regional Advisor)

Recruiting OS Youth

Under WIA, some Local Areas may have been serving low numbers of OS youth. These Local Areas should have used the first year of WIOA implementation (i.e., July 1, 2015, through June 30, 2016) to align their youth program design to start increasing recruitment and outreach to move towards meeting the 75 percent OS youth expenditure requirement.

Youth outreach and recruitment are among the limited instances in which WIOA youth funds may be expended on costs related to individuals who are not yet participants. However, youth program services may not be provided until a formal eligibility determination being made.

For tips and best practices regarding outreach and recruiting OS youth see Attachment 3 of this directive, *Outreach and Recruitment of OS Youth*.

WIA 30 Percent Expenditure Requirement

The WIA 30 percent OS youth expenditure requirement continued to apply to Local Areas serving OS youth with WIA funds after July 1, 2015. The OS youth expenditure rates are tracked and reported on a specific program year's allocation. For the PY 2014-15 WIA youth formula allocation, the 30 percent OS youth expenditure minimum applied.

Work Experience

The WIOA places a priority on providing youth with occupational learning opportunities through work experience.

Work Experience Criteria

Work experience provides IS and OS youth an invaluable opportunity to develop work place skills. Paid and unpaid work experiences must include academic and occupational education (provided either concurrently or sequentially) and may include the following:

- Summer employment opportunities and other employment opportunities available throughout the school year. Local Areas may, but do not have to, provide summer

employment opportunities. Under WIA, summer employment was its own program element. Under WIOA, it is incorporated into work experience. Local Areas have the flexibility to decide which work experiences are provided as long as the Local Area spends at least 20 percent of their WIOA youth formula allocation on work experience (Title 20 CFR Section 681.620).

- Pre-apprenticeship programs. Pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program. Pre-apprenticeship programs include the following elements:
 - Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved.
 - Access to educational and career counseling and other supportive services, directly or indirectly.
 - Hands-on, meaningful learning activities that are connected to education and training activities.
 - Opportunities to attain at least one industry-recognized credential.
 - 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 (Title 20 CFR Section 681.480).
- Internships and job shadowing. Job shadowing is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant and may last anywhere from a few hours to a week or more (TEGL 21-16).
- On-the-job training (OJT) opportunities. OJT means training by an employer that is provided to a paid participant while engaged in in a job that meets the following criteria:
 - Provides knowledge or skills essential to the full and adequate performance of the job.
 - Is made available through a program that provides reimbursement to the employer of up to 50 percent of the wage rate of the participant or up to 75 percent in circumstance of extraordinary costs of providing the training and additional supervision related to the training.
 - Is limited in duration to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate (WIOA Section 3[44]).

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 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. Further, Local Areas may decide who provides the academic and occupational education component. The academic component may take place inside or outside the work site, and the work experience employer may provide the academic and occupational education component or such components may be provided separately in the classroom or through other means (TEGL 21-16).

Youth formula funds may be used to pay a participant's wages and related benefits for work experience in the public, private, for-profit or non-profit sectors when the participant's objective assessment and individual service strategy indicate that a work experience is appropriate.

Additionally, youth formula funds may be used to pay wages and staffing costs for the development and management of work experience. Allowable expenditures beyond wages may include the following:

- 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.
- Classroom training or the required academic education component directly related to the work experience.
- Orientation sessions for participants and employers.
- Incentive payment to youth for an achievement directly tied to the work experience.
- Employability skills/job readiness training to prepare youth for a work experience.

Local Policy

Local Boards must establish local policies regarding work experience. At a minimum, these policies need to address the following:

- The duration of the work experience assignment.
- Limitations on the number of hours.
- Appropriate incentives and stipends, including limitations on the types and dollar amount.

The WIOA youth provisions went into effect July 1, 2015. Local Boards were required to begin implementing the work experience requirements July 1, 2015, ***and establish local policy and procedures for work experience no later than January 1, 2016.***

Work Experience Expenditure Requirement

Local Areas must spend at least 20 percent of their WIOA youth formula allocation on work experience (WIOA Section 129[c][4]). Leveraged resources cannot be used to fulfill any part of the 20 percent minimum work experience expenditure requirement (TEGL 21-16). The work experience expenditure rate is calculated after subtracting funds spent on administrative costs. Additionally, the expenditure rate is not applied separately for IS youth and OS youth.

The following example illustrates how a Local Area would calculate its 20 percent work experience expenditure requirement:

Youth Formula Allocation	Administration Costs	Youth Program Expenditure	20 Percent Work Experience Requirement
\$2,000,000	\$180,000	\$1,820,000	\$364,000

In this example, the Local Area's work experience expenditure requirement is \$364,000. The Local Area received \$2 million and spent \$180,000 or nine percent ($\$2,000,000 \times .09$) on administration costs. The remaining \$1,820,000 ($\$2,000,000 - \$180,000$) is subject to the 20 percent work experience expenditure requirement. Therefore, the Local Area would be required to spend at least \$364,000 ($\$1,820,000 \times .20$) on work experience for IS youth and OS youth.

State Technical Assistance

The EDD calculates work experience expenditures at the end of the first program year of the two year availability of the funds, and provides the results of these interim calculations to each Local Area and their Regional Advisor by September 30th. The Regional Advisor will assist Local Areas that appeared to be in jeopardy of not meeting the 20 percent work experience expenditure requirement by the end of the funding period.

Calculating OS Youth and Work Experience Expenditures

The Local Area's OS youth and work experience expenditure rates are tracked for a specific program year youth allocation. The EDD will determine whether Local Areas met their expenditure requirements upon completion of expenditures of all funds in the specific program year's youth allocation as follows:

Each Local Area's total youth allocation is issued as a subgrant under grant code 301. This amount is located on Line I item 5 of the *Summary of WIOA Expenditures Report* for Grant Code 301. At the end of the two-year life of the youth formula funds, the total allocation is adjusted by subtracting the actual administration costs (Line III item 3) reported on the June 30

expenditure report for Grant Code 301. The remaining dollar amount for a Local Area that fully spent its allocation (which is equal to the program dollars spent shown on Line V item 3) is the amount upon which the 75 percent OS youth and 20 percent work experience expenditure requirement will be based. The amount reported for OS youth (Line V, item 2) must be at least 75 percent of the total program expenditures (Line V, item 3). The amount reported for work experience (Line V item 3b) must be at least 20 percent of the total program expenditures (Line V, item 3).

IS Youth

Under WIOA, fewer resources are available to serve IS youth. As a result, Local Areas should identify resources and/or establish partnerships with youth providers that can provide services to IS youth. Local Boards, in collaboration with youth standing committees, may consider leveraging resources and establishing partnerships to continue serving IS youth that are cost effective, and reach more students.

Transitioning WIA IS Youth Participants

Local Areas may have been serving large numbers of IS youth as they transitioned into WIOA on July 1, 2015. Although there was a shift in emphasis under WIOA to OS youth, Local Areas should not have prematurely exited WIA IS youth from the program.

Local Areas could have used a portion of their remaining PY 2014-15 funds for services to IS youth in order to assist them in successfully completing the program, while focusing PY 15-16 funds on OS youth, consistent with the minimum 75 percent OS youth expenditure requirement on OS youth.

Permissible Use of Youth Funds

Individual Training Accounts

In order to enhance individual participant choice in their education and training plans and provide flexibility to Local Areas, Local Areas may use youth funds for Individual Training Accounts (ITA) for OS youth between the ages of 16 to 24. When using youth funds for ITAs, only training providers on the Eligible Training Provider List can be used.

Braiding Funds

Braiding funds is the process of using different funding streams to support different needs for the same participant while maintaining documentation to support the charging and allocations of cost to the separate funds. Local Areas may use braided funds to provide more comprehensive services to participants and maximize partner resources available to assist youth. Braiding funds must meet the following criteria:

- The cost to each funding stream is tracked, documented, and allocated based on the proportional benefit.
- The cost benefits two or more programs in proportions that can be determined without undue effort or cost.
- The youth meets the eligibility requirements for each program from which they are receiving funds.

An example is when the WIOA Title I youth program and the WIOA Title II adult education program are used to serve eligible youth. The WIOA Title I resources can provide career guidance, work experiences, and leadership development, while the WIOA Title II resources can provide adult education and literacy activities.

(TEGL 21-16)

Incentives

Local Areas may provide incentive payments to youth participants for recognition and achievement directly tied to training activities and work experiences. When offering incentive payments, Local Areas must do the following:

- Tie the incentive to the goals of the specific program.
- Outline in writing the incentive before the commencement of the program providing the payment.
- Align the incentive with the local program's organizational policy.
- Meet the requirements in 2 CFR part 200.

(Title 20 CFR Section 681.640)

Youth Standing Committees

Youth councils are not required under WIOA. However, Local Boards may continue to operate a youth council as a standing committee. The Youth Standing Committee may provide information and assist with planning, operations, oversight, and other issues related to the provision of services to youth. Youth Standing Committees should recommend youth policy direction, ensure quality services, and leverage financial and programmatic resources. If so delegated by the Local Board after consultation with the chief elected official, the Youth Standing Committee may oversee eligible youth providers.

An existing youth council may be designated as the Youth Standing Committee or a Local Board may design a Youth Standing Committee to meet the needs of the Local Area's youth program. If a Local Board does not establish a Youth Standing Committee, the Local Board is still responsible for conducting the oversight of youth activities under WIOA Section 129(c).

Local Boards that choose to design a new Youth Standing Committee are reminded that the membership must include: (1) a member of the Local Board, who must chair the committee, (2) members of community based organizations with a demonstrated record of success in serving eligible youth, and (3) other individuals with appropriate expertise and experience who are not members of the Local Board. The committee may include parents, participants, and youth. (Title 20 CFR Sections 681.100 - 681.120)

When appointing members to a Youth Standing Committee the Local Board and the local chief elected official shall endeavor to appoint:

- Representatives of youth who are enrolled IS and OS youth
- Representatives from the private sector
- Representatives of local education agencies serving with youth
- Representatives of private nonprofit agencies serving youth
- Representatives of apprenticeship training programs serving youth

(CUIC Section 14209)

Procurement of WIOA Youth Service Providers

Local Boards may directly provide some or all of the youth workforce service activities. If a Local Board serves as the youth service provider and performs other roles such as fiscal agent or AJCC Operator, the Local Board must have appropriate firewalls in place between the staff providing services, the staff responsible for oversight and monitoring of services, and the Local Board. The firewalls must conform to Title 20 CFR Section 679.430 for demonstrating internal controls and preventing conflicts of interest.

If a Local Board chooses to award grants or contracts to youth service providers for some or all activities, the Local Board must award such grants or contracts through a competitive process that does the following:

- Takes into consideration the ability of the youth service provider to meet performance accountability measures.
- Meets the procurement standards specified in Uniform Guidance and the DOL Exceptions.
- Follows state and local procurement laws.

Local Boards must also identify youth service providers based on criteria in the State Plan (Title 20 CFR Section 681.400). The State Plan establishes that Local Boards should select service providers that do the following:

- Employ proven recruitment strategies of effective outreach, engagement, enrollment, and retention of OS youth.

- Demonstrate meaningful partnerships with eligible training providers, institutions of higher education, and employers from in-demand industries.
- Offer a continuum of services that allow participants to obtain a GED/High School diploma, enroll into postsecondary education, and obtain employment within their chosen career path.
- Utilize career pathways and sector strategy models with a structured sequence of activities, as well as multiple entry and exit points that provide adequate supportive services.
- Use structured work-based learning, such as paid and unpaid work experiences and career exploration that leads to gainful employment.
- Provide intensive case management and support services to help youth overcome complex barriers, successfully complete the program, and retain employment.

Local Boards may do the following:

- Award youth service provider contracts on a sole source basis where the Local Board determines there is an insufficient number of eligible youth providers in the Local Area.
- Assign the function of selecting service provider contracts to the standing youth committee (if the Local Board has established a standing youth committee).

When the Local Board awards a grant or contract to a youth service provider who also fulfills another role in the Local Area, a written agreement with Local Board and the Chief Elected Official must provide clarity on the expectation for those roles and clear methods of tracking execution and accountability for the distinct roles.

Transitioning Contracts

As Local Boards transitioned from WIA to WIOA, they were required to ensure their Request for Proposals (RFPs) and youth service provider contracts incorporated the new WIOA youth provisions, (e.g., new eligibility requirements for IS and OS youth, increased expenditure requirements for OS youth and work experience, and the five new program elements). Local Areas were allowed to either undergo a contract modification with their existing providers, if permissible, or procure new service providers. Since youth enrolled beginning July 1, 2015, had to meet the new WIOA eligibility criteria, Local Boards were required to have modified their existing contracts and/or procured new youth service providers by July 1, 2015. If a Local Area procured new youth service providers, the state encouraged the use of one-year contracts with additional option years, rather than multi-year contracts, to allow maximum flexibility during WIOA implementation.

Local Boards may have opted to retain current WIA youth service contracts temporarily for various reasons (e.g., the contract did not include a clause that allowed for modifications to conform to new legislation, regulations, or requirements, etc.). The State Board and EDD wanted to provide Local Boards adequate time to transition to the new WIOA requirements,

and, therefore, allowed Local Boards to retain their WIA youth service contracts through PY 16-17. However, ***all RFPs and youth service provider contracts must have incorporated the new WIOA provisions by July 1, 2017.***

Program Elements

The WIOA Section 129(c)(2) includes 14 program elements, which include the original 10 program elements under WIA (which have been consolidated to nine, as the summer employment opportunities program element is now a sub-element under paid and unpaid work experiences), and five new program elements: (1) financial literacy, (2) entrepreneurial skills training, (3) services that provide labor market and employment information about in-demand industry sectors or occupations available in the Local Areas, (4) activities that help youth prepare for and transition to postsecondary education and training, and (5) education offered concurrently with and in the same context as workforce preparation activities and training for specific occupation or occupational clusters.

Local Areas are not required to provide all 14 required elements to each participant. Local Areas have the flexibility to determine which specific services a youth will receive based upon the youth's assessment and service strategy. Local Boards, however, must ensure that all 14 program elements are available in their Local Area.

The table below provides a list of the 14 youth program elements, identifies which program elements relate to one another, lists the DOL Participant Individual Record Layout (PIRL) data element, and provides federal citations where the program element requirements are described. In addition, the program elements are hyperlinked to the WorkforceGPS Youth Connections corresponding webpage. The Youth Connection webpage provides additional materials and resources to help service providers deliver youth services.

WIOA Youth Program Element	Relates to or Overlaps with Other Program Element(s)	Applicable DOL-only PIRL Data Element Number(s)	Program Description Citation
1. Tutoring, study skills training, instruction, and dropout prevention	Program elements 2 and 4	1402	TEGL 21-16
2. Alternative secondary school services or dropout recovery services	Program element 1	1403	TEGL 21-16
3. Paid and unpaid work experiences		1205,1405	Title 20 CFR Sections 681.600, 681.590, 681.480 and TEGL 21-16

WIOA Youth Program Element	Relates to or Overlaps with Other Program Element(s)	Applicable DOL-only PIRL Data Element Number(s)	Program Description Citation
4. Occupational skills training	Program element 1	1300,1302,1303, 1306, 1307, 1308	Title 20 CFR Sections 681.540, 681.550 and TEGL 21-16
5. Education offered concurrently with workforce preparation and training for a specific occupation	Program elements 2, 3, and 4	1407	Title 20 CFR Section 681.630 and TEGL 21-16
6. Leadership development opportunities		1408	Title 20 CFR Sections 681.520, 681.530 and TEGL 21-16
7. Supportive services		1409	Title 20 CFR Section 681.570 and TEGL 21-16
8. Adult mentoring		1410	Title 20 CFR Sections 681.490 and TEGL 21-16
9. Follow-up services	Program elements 7, 8, 11, 13, and 14	1412	Title 20 CFR Section 681.580 and TEGL 21-16
10. Comprehensive guidance and counseling		1411	Title 20 CFR Section 681.510 and TEGL 21-16
11. Financial literacy education		1206	Title 20 CFR Section 681.500 and TEGL 21-16
12. Entrepreneurial skills training		1413	Title 20 CFR Section 681.560 and TEGL 21-16
13. Services that provide labor market information		1414	Title 20 CFR Section 651.10 and TEGL 21-16
14. Postsecondary preparation and transition activities		1415	TEGL 21-16

Program Element 1 – Tutoring, Study Skills Training, Instruction, and Dropout Prevention Services

Tutoring, study skills training and instruction that lead to a high school diploma or its equivalent, including a recognized certificate of attendance or similar document for individuals with disabilities, are reported under program element 1. These 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. Local Areas may provide tutoring, study skills training, and instruction in a one-on-one or group setting, through resources and workshops.

Program element 1 also includes secondary school dropout prevention strategies that keep a youth in school and engaged in formal learning or training. These activities include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction (TEGL 21-16).

Program Element 2 – Alternative Secondary School Services or Dropout Recovery Services

Alternative secondary school services that assist youth who have struggled in traditional secondary school education, are reported under program element 2. These services include, but are not limited to, basic education skills training, individualized academic instruction, and English as a Second Language training.

Program element 2 also includes dropout recovery services aimed at getting youth who have dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program (TEGL 21-16). Examples of these services include credit recovery, counseling, and educational plan development. While there is some overlap with dropout prevention strategies (program element 1), the activities within both program elements are provided with the goal of helping youth 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

Work experience is covered in detail on pages 12 through 15 of the directive.

Program Element 4 – Occupational Skills Training

Occupational skills training is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupation 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.

Occupational skills training must meet the following criteria:

- Be outcome-oriented and focused on an occupational goal specified in the individual service strategy.
- Be of sufficient duration to impart the skills needed to meet the occupational goal.
- Lead to the attainment of a recognized postsecondary credential.

- Meet the quality standards in WIOA Section 123.

(Title 20 CFR Section 681.540)

Program Element 5 – Education Offered Concurrently with Workforce Preparation and Training for a Specific Occupation

This program element reflects an integrated education and training model. Additionally, it describes that 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, workforce preparation activities that occur as part of a work experience, and occupational skills training can all occur separately and at different times (and 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 (TEGL 21-16).

Program Element 6 – Leadership Development Opportunities

This program element encourages responsibility, confidence, employability, self-determination, and other positive social behaviors. Positive social behaviors include the following:

- Exposure to postsecondary educational possibilities.
- Community and service learning projects.
- Peer-centered activities, including peer mentoring and tutoring.
- Organizational and team work training
- Training in decision-making such as determining priorities and problem solving.
- Citizenship training, including life skills training such as parenting and work behavior training.
- Civic engagement activities which promote quality of life in a community
- Other leadership activities that place youth in a leadership role such as serving on the Standing Youth Committee.

(Title 20 CFR Section 681.520)

Program Element 7 – Supportive Services

Supportive services are services that enable an individual to participate in WIOA activities. Supportive services include, but are not limited to, the following:

- Linkages to community services.
- Assistance with transportation.
- Assistance with child care and dependent care.

- Assistance with housing.
- Needs-related payments.
- Assistance with educational testing.
- Reasonable accommodations for youth with disabilities.
- Legal aid services.
- Referrals to health care.
- Assistance with work attire and work related tools including eyeglasses and protective eye gear.
- Assistance with books, fees, school supplies, and other necessary items for student enrolled in postsecondary education classes.
- Payments and fees for employment and training-related application, tests, and certifications.

(Title 20 CFR Section 681.570)

Program Element 8 – Adult Mentoring

Adult mentoring must last at least 12 months and may take place both during the program and following the youth’s exit from the program. Local Areas may use group mentoring and electronic mentoring, but at a minimum, the youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Case managers may serve as adult mentors in areas where adult mentors are sparse, however, Local Areas are strongly encouraged to find adult mentors who are not case managers (TEGL 21-16).

Program Element 9 – Follow-up Services

Follow-up services for youth may include supportive services, adult mentoring, financial literacy education, services that provide labor market and employment information about in-demand industry sectors, and activities that help youth prepare for and transition to postsecondary education and training. When Local Areas provide these program elements as follow-up services, they must occur after the exit date in order to count as follow-up services. Additionally, Local Areas should document in the case file that the program elements were provided as follow-up services post exit (TEGL 21-16).

Program Element 10 – Comprehensive Guidance and Counseling

This program element provides individualized counseling to participants and may include drug and alcohol abuse counseling, mental health counseling, and referral to partner programs. Local Areas and youth service providers may directly provide counseling. When a Local Area or youth service provider refers a youth for counseling services that they are unable to provide, the Local Area or service provider must coordinate with the referred counseling organization to ensure continuity of service (TEGL 21-16).

Program Element 11 – Financial Literacy Education

Financial literacy education includes information and activities such as creating budgets, setting up checking and saving accounts, managing spending, understanding credit reports, and protecting against identity theft. Local Areas may find the Financial Literacy Education Commission’s guide, “[Incorporating Financial Capability with Youth Employment Programs](#)”, a useful resource on how to partner with financial institutions (TEGL 21-16).

Program Element 12 – Entrepreneurial Skills Training

This program element helps youth develop the skills associated with starting and operating a small business. Such skills may include 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 the following:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business, such as developing a business plan and simulations of business start-up and operation.
- Enterprise development which provides supports and services that incubate and help youth develop their own businesses, such as helping youth access small loans or grants and providing more individualized attention to the development of viable business ideas.
- Experiential programs that provide youth with experience in the day-to-day operation of a business.

(Title 20 CFR Section 681.560)

Program Element 13 – Services that Provide Labor Market and Employment Information

These services provide labor market and employment information about in-demand industry sectors or occupations available in the Local Area. Services may include career awareness, career counseling, and career exploration. Career counseling provides advice and support in making decisions about what career path to take and may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training. In addition to connecting youth to self-service labor market information (LMI) tools, youth providers should share and discuss state and local LMI with youth participants (TEGL 21-16).

Program Element 14 – Postsecondary Preparation and Transition Activities

This program element prepares IS youth and OS youth for postsecondary education after attaining a high school diploma or its recognized equivalent. Activities include exploring postsecondary education options such as registered apprenticeships, technical training schools, community colleges and four-year colleges and universities. Additional services may include, but are not limited to, the following:

- Preparing youth for the SAT/ACT
- Assisting with college admission applications
- Searching and applying for scholarships and grants
- Filling out financial aid applications
- Connecting youth to postsecondary programs

(Title 20 CFR Section 681.460)

Program Design

The WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components and incorporating career pathways to the objective assessment and individual service strategy. Additionally, the WIOA requires that the individual service strategy be directly linked to one or more of the performance indicators. A program design framework is an essential step to help Local Areas develop comprehensive service strategies based upon individual needs. Local Boards, in collaboration with a youth standing committee, can provide direction and leadership to assist local youth programs on improving the quality and effectiveness of youth services. A program design framework consists of an objective assessment, an individual service strategy, case management, and follow-up services that lead toward successful outcomes for youth participants (WIOA Section 129[c][1]).

Assessment Requirements

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and services 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. Local Areas must use assessments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process. Any formalized testing must also be cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. For basic skills assessment, Local Areas are not required to use assessments approved by the Department of Education's National Reporting System (NRS), nor are Local Areas required to determine an individual's grade equivalent or educational functioning level, although use of both tools is permitted. Local Areas may also use previous basic skills

assessment results if such previous assessments have been conducted with the past six months.

In contrast to the initial assessment requirements described above, If Local Areas measure Educational Functioning Level (EFL) gains after program enrollment under the measurable skills gain indicator, the Local Area must use an NRS-approved assessment for both the EFL pre and post-test to determine a youth's educational functioning level.

In addition to the initial assessment, a career assessment can help youth understand how a variety of their personal attributes affect their potential success and satisfaction with different career options and work environments. Local Areas may provide career assessments through the WIOA youth program staff and/or through referrals to national and community-based partners and resources.

(TEGL 21-16)

ACTION

Bring this directive to the attention of staff and other relevant parties.

INQUIRIES

If you have any questions, contact [Regional Advisor](#) at 916-654-7799.

/S/ JAIME L. GUTIERREZ, Chief
Central Office Workforce Services Division

Attachments are available on the internet:

1. [Frequently Asked Questions](#)
2. [OS Youth Expenditure Requirement – Corrective Action Plan](#)
3. [Outreach and Recruitment of OS Youth](#)
4. [Summary of Comments](#)