

WorkSource Information Notice (WIN)

Employment System Administration and Policy

☒ Policy-related | ☐ Fiscal | ☐ Performance | ☐ Q&A | ☐ Other

Number: WIN 0084, Change 1

Date: June 22, 2017

Expiration Date: N/A

TO: Workforce Development System Partners

FROM: Gary Kamimura, Workforce Policy Director

SUBJECT: Supplemental State Guidance for the WIOA Title I Youth Program

Purpose:

To provide supplemental State guidance for the WIOA Title I youth program in response to questions following issuance of [Training and Employment Guidance Letter \(TEGL\) 21-16](#).

Action Required:

LWDBs and their contractors, as well as ESD Regional Directors, must distribute this guidance broadly throughout the system to ensure that staff and partners in the WorkSource system are familiar with its content.

Content:

Supplemental State guidance for the WIOA Title I youth program in response to questions following the issuance of Training and Employment Guidance Letter (TEGL) 21-16 is as follows:

- **Section 4 (page 3) of TEGL 21-16 on high school equivalency programs and dropout re-engagement programs states that “(y)outh 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.”** Because Washington’s Open Doors program, which is cited in Revised Code of Washington and Washington Administrative Code, recognizes a range of models or approaches with varying degrees of school or school district engagement, the U.S. Department of Labor (DOL) acknowledges that Washington’s In-School Youth (ISY) and Out-of-School Youth (OSY) determination is situational and largely dependent on the degree to which schools and school districts as service providers and funders in dropout re-engagement programs. If schools or school districts, despite having enrolled the youth into school, largely cede service provision to other entities (e.g., WIOA Title I youth providers, community-based organizations, other non-profits), have minimal financial investment, and require little district-based accountability of participants, youth

in those programs can be designated OSY. Conversely, if schools or school districts are substantially directive, invested, and accountable (e.g., WIOA Title I Youth program only provides supportive services to participants), those youth should be designated ISY. This test also applies to dropout re-engagement programs not connected to Open Doors. Based on the guidelines cited above, local areas must thoroughly document the case for OSY designation when youth participants in dropout re-engagement programs are enrolled in school. **Note: This distinction will be included in WorkSource System Policy 1019, Revision 3 and accompanying Eligibility Policy Handbook when they are updated.**

- Section 4 (page 3) of TEGL 21-16 conditions the designation of homeschooled individuals as either In-School Youth (ISY) or Out-of-School Youth (OSY) based on state and/or local education agency policies. In Washington, state statutes for the Office of Superintendent of Public Instruction (RCW [28A.200](#), [28A.225.010\(4\)](#)) articulate the requirements for being recognized as a homeschooled individual. Individuals whose homeschooling activity meets those requirements can seek eligibility as ISY; if they do not, they need to meet OSY eligibility criteria.
- Section 4 (page 4) of TEGL 21-16 addresses eligibility related to “offender” status for both ISY and OSY. An individual who has been charged with an offense, but subsequently directed to a community-based diversion program rather than the formal court system meets the definition of having been “subject to any stage of the criminal justice process” due to having been *charged* with an offense, even though that individual has not been remanded to the court system.

To address a broader concern, when individuals rely solely on ISY Category 3 or OSY Category 4 criteria as the additional determinants of eligibility for the Title I youth program and express concerns about documentation and disclosure of their offender status, DOL has stated that the offender status must be captured and reported so DOL and Congress can know whether or not states and local areas are adequately serving individuals with, in this case, employment barriers related to ex-offender status.

- **Section 4 (page 5) of TEGL 21-16 on “Low-Income Determination” cites 70 percent of the Lower Living Standard Income Level (LLSIL) as part of a low-income determination for Title I youth. The 2017 LLSIL was published on [May 23, 2017](#) and posted on the [DOLETA web site](#). However, because Program Year 2017 for the Title I Youth program began on April 1, 2017, local areas were advised to use 2016 LLSIL until 2017 was available. The date on which the 2017 LLSIL was published (May 23, 2017) is date from which the 2017 LLSIL must be used in low-income determinations for Title I youth. Because there may be youth who did not qualify at 70 percent of the 2016 LLSIL but would have qualified at 70 percent of the 2017 LLSIL, staff are advised to conduct reassessments if necessary.**
- Section 5 (pages 7-8) of TEGL 21-16 on “Assessment Requirements” states that local areas are not required to use assessments approved for use in the Department of Education’s National Reporting System (NRS) for the basic skills assessment portion of the objective assessment, though they can. [WorkSource System Policy 1011, Revision 2](#), however, requires the use of the Comprehensive Adult Student Assessment System (CASAS), which is NRS-approved, for basic skills assessment. Furthermore, TEGL 21-16 requires local areas to use an [NRS-approved assessment](#) for both the pre-test and post-test if measuring Educational Functioning Level (EFL) for the purpose of documenting Measurable Skill Gains after program enrollment. CASAS is

one of the approved assessments for measuring EFL, but other approved assessment can also be used.

- Section 7 (pages 19-20) of TEGL 21-16 on “Program Element 9: Follow-Up Services” states that allowable activities include: (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.

Those five activities are also youth program elements in their own right. It is important to note, however, that **none of those five activities extend participation when delivered as part of post-exit follow-up services whereas all of those five activities do trigger and extend participation when delivered as program elements during participation.**

Services will be added in ETO and the WorkSource Services Catalog to support the distinction between these activities in post-exit follow-up as opposed to participation.

- Section 7 (page 21) of TEGL 21-16 on “Program Element 12: Entrepreneurial Skills Training” does not state whether or not the entrepreneurial training programs need to be on the state’s Eligible Training Provider List (ETPL). The types of entrepreneurial skills training described in 20 CFR 681.560 do not require the training provider/program to be on the state’s ETPL. That said, if the entrepreneurial skills training involves an Individual Training Account (ITA) to pursue a degree- or certificate-bearing entrepreneurship training program, the program/provider must be on the state’s ETPL.

References:

- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 129
- 20 CFR Part 681 – Youth Activities under Title I of WIOA
- [Training and Employment Guidance Letter \(TEGL\) 21-16](#) - Third WIOA Title I Youth Formula Program Guidance

Website:

<http://wpc.wa.gov/adm/policy/state>

Direct Inquiries To:

*Employment System Administration and Policy Unit
Employment System Policy Division
Employment Security Department
P.O. Box 9046
Olympia WA 98507-9046
(360) 902-9666*

Attachments:

None.