

COMMONWEALTH OF VIRGINIA
Virginia Community College System
Workforce Investment Act (WIA)

Policy Number: 00-5
Effective Date: August 1, 2011 (Revision #3)
Title: Youth Programs under Title I of the Workforce Investment Act

PURPOSE

To describe local program requirements for youth activities funded under the Workforce Investment Act (WIA).

REFERENCES

1. P.L. 105-220, Workforce Investment Act (WIA), Sections 101, 126 through 129, 188(a)(5), and 189(h).
2. 20 CFR Parts 664.200 through 664.830; Part 667.250, Federal Register, Volume 64, No. 72/Thursday April 15, 1999: U.S. Department of Labor, Interim Final Rules.
3. Training and Employment Guidance Letter No. 3-99, January 31, 2000; Subject: *Program Guidance for Implementation of Comprehensive Youth Services under the Workforce Investment Act during the Summer of 2000.*
4. Training and Employment Guidance Letter No. 7-99, March 3, 2000; Subject: *Core and Customer Satisfaction Performance Measures for the Workforce Investment System.*
5. Training and Employment Guidance Letter No. 8-99, March 3, 2000; Subject: *Negotiating Performance Goals; and Incentive Sanctions Process under Title I of the Workforce Investment Act (WIA).*
6. Training and Employment Guidance Letter No. 18-00, April 23, 2001; Subject: *Program Guidance for Implementation of Comprehensive Youth Services under the Workforce Investment Act.*
7. Training and Employment Guidance Letter No. 28-01, May 20, 2002; Subject: *Program Guidance for Implementation of Comprehensive Youth Services Under the Workforce Investment Act (WIA) of 1998.*
8. Training and Employment Guidance Letter no. 17-05, February 17, 2006; Subject: *Common Measures Policy for the Employment and Training Administration's (ETA) Performance Accountability System and Related Performance Issues. Training and Employment Guidance Letter No. 17-05, Change 1.*
9. *Waiver letter issued by US Department of Labor, Employment and Training Administration, June 21, 2011*

POLICY STATEMENT

WIA establishes a framework for a comprehensive year-round program for youth, where activities and services are tailored to meet the unique needs of each youth within a local workforce area. Programs are to be designed to meet the specific needs of the youth as well as the development of a variety of community resources to provide the services to the youth of the community.

Youth Councils working in concert with local workforce investment boards are tasked with developing strategies and programs to ensure the maximization of resources and services to youth residing in the local workforce areas. Youth Councils are critical elements in the development and delivery of youth services.

Eligibility determination for youth programs identifies the youth who are in most need of the services developed in the community. Program design issues take into consideration the changes brought about by the Workforce Investment Act in youth programs and are comprehensive with the ten required activities.

REVISIONS: N/A

ATTACHMENTS:

ATTACHMENT A: Selection of Service Providers

ATTACHMENT B: Eligibility for Youth Services

ATTACHMENT C: Youth Program Design, Elements and Parameters

ATTACHMENT D: Youth Performance Measures

REVISION/RESCISSION

Dr. Glenn DuBois

Chancellor, Virginia Community College System

Peter Blake

Vice Chancellor, Virginia Community College System

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Latest Revision: August 1, 2011, Revision #3, to reflect additional waiver flexibility granted by US Department of Labor

ATTACHMENT A - Selection of Service Providers

Local procurement of youth services will be conducted as competitive procurement in accordance with local procurement practices, except as noted in the “Exceptions to Procurement” section below. Acceptable local procurement practices cannot be less restrictive than State or federal requirements in the awarding of grants and contracts. In all instances of competitive procurement for local youth services, a written request for proposal (RFP) must be issued. The RFP must indicate what is being procured. The RFP must specify the factors that will be used to evaluate the proposals. It will also contain or incorporate by reference other applicable contractual terms and conditions. In all instances, public notice of the request for proposal must be provided in advance of the date set for receipt of proposals. In no instance will a local procurement process violate the requirements of the Virginia Public Procurement Act.

Through the establishment of the Youth Council, the Chief Local Elected Officials and the Local Workforce Investment Boards (LWIBs) are identifying and enlisting individuals in the community with the most direct knowledge of the area’s youth needs, as well as those entities that provide the services. LWIBs should adopt criteria for evaluating youth programs and service providers, who have at a minimum:

- Previous demonstrated success in working with out-of-school youth, including dropouts, with indicators of outcomes that include successful return to and/or completion of education activities, vocational skills training, and entry into unsubsidized employment;
- Previous documented success in providing services to targeted youth groups, including high school dropouts, individuals with disabilities, homeless and runaway youth, youth offenders, and other eligible youth who face serious barriers to employment.

Additional Considerations:

Local Workforce Investment Boards and their Youth Councils, as a part of their youth service provider selection process, in evaluating “*demonstrated success*” of service providers, should consider such criteria as:

- ✓ Returning dropouts to education programs and the level of success of high school completion;
- ✓ Documented improvements in reading, writing, and/or math skills by basic skills deficient youth;
- ✓ Returning youth who were behind grade level to grade level and/or preventing them from dropping out of the education program;
- ✓ Provision of education and support services to pregnant and parenting youth to allow for school completion;
- ✓ School and work based learning, including school transition activities that successfully address youth disabilities, including learning disabilities;

- ✓ Programs and activities that have been successful at finding shelter and other support for homeless and runaway youth, while simultaneously providing education and workforce training activities that facilitate return to school or unsubsidized employment, as appropriate;
- ✓ Programs that successfully provided transition activities to youth offenders, including basic education, job specific skills, work prerequisite skills, counseling, and other services necessary to effectively transition from youth institutions to community life and further education or unsubsidized employment.
- ✓ The LWIB and the Youth Council should identify and recognize local youth programs that have successfully provided comprehensive youth services. Providers will include those that make services available to multiple youth target groups, utilizing front end assessment, individual service strategies, choice of services and integration of academic and jobs skills training. Comprehensive services should include work experience, counseling, and supportive services. Program completion indicators could consider transition into additional training and/or unsubsidized employment, and follow-up services, including education and job retention interventions.

Exceptions to Competitive procurement:

A. Applicability

1. Program Design: Section 664.405 (a)(4) of the WIA Regulations provides that a local grant recipient or fiscal agent entity may provide the youth program design framework component, such as intake, objective assessment and development of individual service strategy, without the requirement for competitive procurement.
2. Summer Youth Employment: Section 664.610 of the WIA Regulations allows for a local grant recipient or fiscal agent to be the provider of summer youth employment opportunities without competitive procurement. Additionally, employers providing unsubsidized employment opportunities do not have to be competitively procured.
3. Additional Program Elements: Under waiver approval from the US Department of Labor granted on June 21, 2011, the following additional youth program elements may be exempt from competitive procurement **if provided by a local grant recipient or fiscal agent:**
 - a. Supportive Services
 - b. Follow-up Services
 - c. Work Experience

The justification in seeking this waiver was to provide local areas additional flexibility if it improves the continuity of services to youth, the potential to implement a more cost-effective and integrated service delivery system, develop stronger ties with work experience/internship host agencies and employers, achieve efficiencies in the delivery of all youth services, keep the administrative costs of competitive procurement processes at a minimal level; and direct more funds to program activities that lead

toward performance improvement.

The underlying provisions of WIA, regulations and state policy still apply in these instances.

B. Process to Implement Waiver

In electing to use the additional exceptions to competitive procurement available under waiver approval as outlined above, a local workforce area must seek prior approval from the VCCS as state WIA administrative entity by submitting a plan endorsed by the Youth Council and Workforce Investment Board.

Such plans will provide a description of the alternative service delivery arrangements, identification of the proposed provider, a justification as to why these arrangements will enable improved service to customers, and a description of how these benefits will be measured on an ongoing basis, including how the plan will enable increased investments in educational and skills gains. In particular, the state will review plan submissions to ensure that the overall efficiency of program operations and delivery of services are being advanced by the plan, and will not approve plans where cost savings are not apparent. Local plans will also need to outline a justification as to why competitive procurement is not practical, feasible; or why a competitive procurement effort failed to result in a contract award.

Once plans are approved, the state's youth program consultant will monitor implementation efforts on a regular and ongoing basis to ensure that service delivery and performance results are positive, and the state's WIA annual monitoring efforts will also be modified to include an additional measure of review.

ATTACHMENT B – Eligibility for Youth Services

Eligibility for Youth Services

An eligible youth is, an individual who:

- (a) Is age 14 through 21;
- (b) Is a low income individual; and
- (c) Is within one or more of the following categories: (as defined here-in)
 - (1) Deficient in basic literacy skills;
 - (2) School Dropout
 - (3) Homeless, runaway, or foster child;
 - (4) Pregnant or parenting;
 - (5) Offender; or
 - (6) Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment. *[WIA Sec. 101 (13)]*

I. In addition to the above listed criteria, all youth applying for services must meet these additional programmatic requirements:

- A. Must have complied with the requirements of the Military Selective Service Act by providing documentation to demonstrate compliance with those requirements. *[WIA, Section 189(h); 20 CFR 667.250]* and
- B. Be lawfully eligible to work in the United States.

II. An eligible youth who requires additional assistance to complete an educational program, or to secure and hold employment, means, an individual, who is:

- A. Enrolled in an eligible education program, but also requires additional assistance beyond that offered by the service provider in order to complete the activity or program; or
- B. An eligible youth who is near the point of being ready for a job or employment, but requires additional assistance under Title I to acquire or retain a job.
- C. The additional requirements will be specified by the educational program operator to avoid failure in the program, a prospective employer to avoid failure in obtaining a specific job, or a present employer to prevent an employed youth from losing employment.
- D. These additional requirements must be documented in the youth's individual service strategy.

III. Up to **five percent** of the youth participants served by youth programs in a local area may be individuals **who do not meet the income criterion for eligible youth**, providing that they are in one or more of the following groups:

- A. School dropouts;
- B. Basic skills deficient *[WIA, Section 101(4)]*;

- C. Are one or more grade levels below the grade level appropriate to the individual's age;
- D. Pregnant or parenting;
- E. Possess one or more disabilities, including learning disabilities;
- F. Homeless or runaway;
- G. Offender; or
- H. Face serious barriers to employment as identified by the Local Board and established in a local Youth policy. [*WIA Section 129(c)(5)*].

IV. A disabled youth whose family does not meet the income eligibility criteria under the Act may be eligible for services as a "low income individual" if an individual's own income:

- A. Meets the income criteria established at [*WIA section 101 (25)(B)*]; or
- B. Meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program [*WIA Section 101(25)(F)*].

Note: A youth attending "an alternative school" is not a "dropout" under the Workforce Investment Act.

V. **The following definitions are applicable to the eligibility for youth services under WIA:**

Low-income individual – The term "low income individual" means an individual who:

- (A) Receives or is a member of a family that receives, cash payments under a Federal, State or local income-based public assistance program;
- (B) Received an income or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments cash payments under a Federal, State or local income-based public assistance program; and old age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:
 - The poverty line, for an equivalent period; or
 - 70 percent of the lower living standard income level, for an equivalent period;
- (C) is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
- (D) qualifies as a homeless individual, as defined by in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- (E) is a foster child on behalf of whom State or local government payments are made; or
- (F) in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in (A) receives or is a member of a family that receives, cash payments under a Federal, State or local

income-based public assistance program; or of (B) received an income or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, payments cash payments under a Federal, State or local income-based public assistance program; and old age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:

- The poverty line, for an equivalent period; or
- 70 percent of the lower living standard income level, for an equivalent period. *[WIA, Section 101 (25)].*

Basic Skills Deficient – the term “basic skills deficient” means, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade on a generally accepted standardized test or a comparable score on a criterion-referenced test. *[WIA, Section 101 (4)].*

Offender – The term “offender” means any adult or juvenile:

- a. Who is or has been subject to any stage of the criminal justice process, 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. *[WIA, Section 101 (27)].*

Out-of-School Youth – The term “out-of-school youth” means –

- a. An eligible youth who is a school dropout; or
- b. An eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or under employed. *[WIA, Section 101 (33)].*

School Dropout – The term “school dropout” means an individual who is no longer attending any school and who has not received a school diploma or its recognized equivalent. *[WIA, Section 101 (39)].*

Participant – The term “participant” means an individual has been determined to be eligible to participate in and who is receiving services (except follow-up services...) under a program authorized by Title I of the Workforce Investment Act.

Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training or other services provided under Title I of the Workforce Investment Act. *[WIA, Section 101 (34)].*

Older Youth – The term “older youth” means an individual who is between the ages of 19 and 21 on the date of application.

Younger Youth – The term “younger youth” means an individual who is between the ages of 14 and 18 on the date of application.

Pregnant or parenting – The term pregnant or parenting means an individual who is under 22 years of age and who is pregnant, or a youth (male or female) who is providing custodial care for one or more dependents under age 18. [*Workforce Investment Act Title IIB Standardized Record Data (WIASRD)*].

Runaway youth – The term runaway youth means an individual under the age of 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian. [*45 CFR 1351.1(k) Runaway and Homeless Youth Act*].

Homeless – The term “homeless” means an individual who lacks a fixed, regular, and adequate nighttime residence; and who has a primary nighttime residence that is:

A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including congregate shelters, and transitional housing for the mentally ill);

An institution that provides a temporary residence for individuals intended to be institutionalized; **or** A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. [*Section 103, Stewart. B. McKinney Homeless Assistance Act*].

Note: This does not include a person who is imprisoned or detained pursuant to an Act of Congress or State law.

Unemployed – The term “unemployed” means an individual who, during the 7 consecutive days prior to registration, did any work at all as a paid employee, in his or her own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job. [*Workforce Investment Act Title IIB Standardized Record Data (WIASRD)*].

One or more grade levels below the grade level appropriate to the individual’s age: means an individual whose grade level achievement level is below the individual’s age. (For example: a youth is age 16 and is reading at the 7th grade level).

ATTACHMENT C – Youth Program Design, Elements, and Parameters

Local youth programs must be designed and built around the following framework:

- A. **Provide an objective assessment** of the academic levels, skill levels, and service needs of each participant.

This assessment shall include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such youth, except that a new assessment of a youth is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the youth conducted as part of another education or training program; and includes a review of the academic as well as the services needs, of each youth.

Recent Assessment means any assessment conducted **within the last 6 months** by an educational or training program; and includes a review of the academic as well as the services needs, of each youth.

Assessments should be used to develop the necessary service strategies appropriate for each youth that identifies an employment goal (including participation in nontraditional employment opportunities), achievement objectives, and services for the participant utilizing the results of an objective assessment process, except that a new service strategy for a youth is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the youth under another education or training program; **and**

- B. **Recent service strategy** means any service strategy developed **within the last 6 months** by an educational or training program; and includes a review of the academic as well as the services needs, of each youth.

Service strategies should document preparation for postsecondary educational opportunities, in appropriate cases; strong linkages between academic and occupational learning; preparation for unsubsidized employment opportunities, in appropriate cases; and effective connections to intermediaries with strong links to-- the job market; and local and regional employers.

- C. **Availability of 10 program elements**

Each local workforce board is required to submit a local plan describing how local programs will be designed to meet the framework requirements and how the ten required program elements will be incorporated into local youth service delivery framework. The ten required

program elements are:

1. Tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;
2. Alternative secondary school services;
3. Summer employment opportunities that are directly linked to academic and occupational learning;
4. Paid and unpaid work experiences, including internships and job shadowing;
5. Occupational skill training;
6. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours;
7. Supportive services;
8. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate; and
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

These plans must address funds distribution for the year-round and summer youth activities within the local areas to meet required youth requirements. While the ten program elements shall be available to the youth in each local workforce area, the services provided to each youth must meet the individuals' needs and be based on the results of an objective assessment and individual service strategy.

Additional Requirements -

1. Information and Referrals - Each local board shall ensure that the participant or applicant who meets the minimum income criteria to be considered an eligible youth is provided with:
 - ✓ Information on the full array of applicable or appropriate services that are available through the local workforce area, including eligible providers or one-stop partners, and including those receiving funds under this subtitle; and
 - ✓ Referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.
2. For applicants not meeting the enrollment requirements –

Each eligible provider of a program of youth activities shall ensure that an eligible applicant who does not meet the enrollment requirements of the particular program or who cannot be

served shall be referred for further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.

D. Involvement in Design and Implementation –

The local workforce investment board shall ensure that parents, participants, and other members of the community with experience relating to programs for youth are involved in the design, implementation and evaluation of the programs described in the local plan.

E. PRIORITY

At a minimum, 30 percent of the local workforce area youth funds shall be used to provide youth activities to out-of-school youth.

F. Supportive Services for Youth:

Supportive services may include the following:

- Linkages to appropriate community services;
- Assistance with child care and dependent care costs;
- Assistance with housing costs;
- Referrals to medical services; and
- Assistance with uniforms or other appropriate work attire and work related tool costs, including such items as eyeglasses and protective eye gear. *[WIA, Sections 101(46) and 129(2)(G)].*

G. Follow-up Services for Youth:

Follow-up services for youth may include:

- Leadership development and supportive services;
- Leadership development activities include the following:
- Exposure to postsecondary educational opportunities;
- Community and service learning projects;
- Peer-centered activities, including peer mentoring and tutoring:
- Training in decision making, including priorities;
- Organizational and teamwork training, including team leadership training; raining in decision-making, including determining priorities;
- Citizenship training, including life skills training such as parenting, work behavior training, and budgeting of resources

H. **Employability; and Positive social skills.** *[WIA Section 129(c)(2)(F)].*

Positive social skills – the term “positive social skills” means those soft skills that may be incorporated into local programs as part of a menu of services. These skills may include:

- Positive attitudinal development;
- Self-esteem building;
- Cultural diversity training; and
- Work simulation activities. *[WIA Section 129(c)(2)(F)].*

Additional guidance to assist in ensuring positive employability impacts:

- Regular contact with a youth participant’s employer, including assistance in addressing work-related problems;
- Assistance in securing better paying jobs, career development and further education;
- Work-related peer support groups;
- Adult mentoring; and
- Tracking the progress of youth in employment after training.
- All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services beyond the 12-month minimum are at the discretion of the Local Board and should be reflected in a local youth policy. Services beyond the 12- month period should be based on the needs of the individual youth.

I. **Work Experiences for Youth:**

Work experiences are planned structured learning experiences that take place in a workplace for a limited period of time. These activities are designed to provide youth with exposure to working world and the demands and requirements of going to work. These experiences should assist youth in gaining the necessary personal attributes, knowledge, and skills needed to obtain a job and advance in employment.

These experiences may be paid or unpaid.

Work experience workplaces may be in the private, for-profit sector; the non-profit sector; or the public sector under WIA, should be based on the needs identified by the objective assessment of the individual youth participant and documented in the youth’s individual service strategy.

J. **Concurrent Enrollment for Youth:**

For purposes of WIA, eligible youth are 14 through 21 years of age. Adults are defined as individuals 18 and older. Individuals 18 through 21 may be eligible for both adult and youth programs.

Eligible individuals who are 18 through 21 years old may concurrently participate in adult and youth programs. These individuals must meet the eligibility requirements of both the youth and adult programs applicable to the services they are receiving.

K. Applicability of Individual Training Accounts (ITA) for Youth:

Under waiver approval, older and out of school may also receive training through ITAs. See FGM 05-08 for details.

L. One-Stop-Services to Youth:

Connections between local youth programs and the local One-Stop system should be developed to accommodate older youth and facilitate:

- The coordination and provision of youth activities;
- Linkages between the job market and employers;
- Access for eligible youth to information and services, to include the 10 required program elements described above.
- Other activities designed to achieve the purposes of the youth programs in the local areas.

One-stop services for non-eligible youth must be funded by programs that are authorized to provide services to these youth. For example, basic labor exchange services under Wagner-Peyser Act may be provided to any youth.

ATTACHMENT D – Youth Performance Measures
Workforce Investment Act Youth Performance Requirements

Starting with the Program Year 2010, Virginia began reporting under DOL’s Common Measures for WIA programs as outlined in TEG 17-05. For youth programs, the performance measures are:

Placement in Employment or Education

Of those who are not in post-secondary education or employment (including the military) at the date of participation:

of youth participants who are in employment (including the military) or enrolled in post-secondary education and/or advanced training/occupational skills training in the first quarter after the exit quarter

of youth participants who exit during the quarter

Attainment of a Degree or Certificate

Of those enrolled in education (at the date of participation or at any point during the program):

of youth participants who attain a diploma, GED, or certificate by the end of the third quarter after the exit quarter

of youth participants who exit during the quarter

Literacy and Numeracy Gains

Of those out-of-school youth who are basic skills deficient:

of youth participants who increase one or more educational functioning levels

of youth participants who have completed a year in the program (i.e., one year from the date of first youth program service) plus the # of youth participants who exit before completing a year in the youth program

Additional guidance to local areas in implementing these measures is provided in Virginia Workforce Letter #10-02.

Linkages to Partner Services

To encourage integration of services across programs (WIA Title I funded and non-Title I funded) and recognize shared contributions toward outcomes, the following strategy for tracking and reporting on the core measures across programs will be used. WIA Title funded youth programs can count participants, who receive services provided by non-WIA Title I funded school-to-work (i.e., schools) and one-stop partner programs in the WIA core measures as long as the individual has been registered for WIA Title I youth services (all individuals receiving youth services will be registered) and:

- a) Concurrently receiving WIA Title I funded youth services while receiving partner services;
- b) Scheduled to receive WIA Title I funded youth services a future date while receiving partner services or upon exit of the partner services; or
- c) Moves between partner services, and can be tracked while receiving and upon exit of partner services.

Tracking youth across WIA Title I and non-WIA Title I programs can be more effectively implemented in communities with strong school-to-work partnerships linking schools to workforce investment services.