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TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE ADMINISTRATORS
STATE WORKFORCE LIAISONS
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS

FROM: BRENT PARTON /s/
Acting Assistant Secretary

SUBJECT: Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance

1. **Purpose.** To provide guidance and planning information to states, local workforce areas, and other recipients of Workforce Innovation and Opportunity Act (WIOA) Title I youth formula funds on the activities associated with the implementation of WIOA.
2. **Action Requested.** Share with all staff who administer the WIOA Youth program. States and local areas should review their youth program policies and procedures to comply with this guidance.
3. **Summary and Background.**
 - a. Summary – This guidance addresses the Employment and Training Administration (ETA’s) priorities for youth programs, and further clarifies WIOA Youth program policies. It also provides information to help states and local areas improve services, supports, and outcomes for youth, particularly opportunity youth (out-of-school and out-of-work youth), by integrating equity and job quality principles into program design and service delivery as well as elevating youth voice and addressing mental health.
 - b. Background – This is the first WIOA Youth program guidance since the COVID-19 pandemic required states and local areas to shift service delivery strategies and develop innovative approaches to serving youth. Since then, ETA has set priorities for programs serving youth as well as a vision for coordination and impact, many based on lessons learned from the pandemic and best practices used in states and local areas. This guidance highlights different ways to meet the evolving needs of youth participants. Section 4 includes important policy clarifications that States and local areas need to be aware of when developing and implementing the WIOA Youth program.

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- 4. Priorities and Policy Clarifications:** ETA has set a vision and several priorities for youth workforce development, including priorities of advancing equity, ensuring job quality, addressing mental health, and elevating youth voice. The overarching vision is to achieve a no-wrong-door workforce system with critical partners committed to quality career pathways and paid work experiences. States and local workforce boards are encouraged to incorporate this vision and priorities in their planning and implementation of programs. For additional information about these priorities, see Attachment I. Included in the attachment are several ways states and local workforce boards can integrate these, including through the provision of quality work experiences that are a part of a broader career pathway strategy. We encourage states and local boards to provide direction and support to assist local youth programs in integrating these priorities. Additionally, local programs should work to incorporate youth voice into decisions about programming that ultimately impact the young people they serve. Youth, as partners and co-designers of programs, can provide critical insights and recommend strategies to improve outreach, recruitment and other service delivery strategies. Attachment I provides additional detail on the benefits of engaging youth and resources for how to effectively incorporate youth voice.

Additionally, over the last two years, ETA has identified program areas that warrant further clarification and direction. This section addresses their related requirements around programming and reporting.

- a. *Documenting WIOA Youth Eligibility.* ETA recognizes that documenting WIOA Youth participant eligibility can appear, and sometimes be, burdensome. It is important that local programs are aware of flexibilities within WIOA statute, regulations, and guidance that may help reduce barriers for WIOA Youth programs to document eligibility. First, WIOA eliminated the need to document low-income status for eligibility determination for the majority of out-of-school youth. There are only three instances where low-income status must be documented for OSY. Only those out-of-school youth who are determined eligible by virtue of using: 1) the “basic skill deficient,” 2) “English Language Learner,” or 3) “an individual who requires additional assistance to enter or complete and educational program or to secure or hold employment” barriers to document the WIOA Section 129(a)(1)(B)(iii) portion of out-of-school youth eligibility must be low income. Other out-of-school youth do not need to be low-income or document their income. Secondly, WIOA permits individuals who receive or are eligible to receive free or reduced lunch, foster youth, homeless youth, and youth living in a high-poverty area to automatically be considered low income. Lastly, self-attestation is an acceptable source of documenting almost all program elements related to WIOA Youth eligibility. As stated in TEGl 23-19, Change 1, the following youth eligibility data elements allow self-attestation as an acceptable source of documentation: school status at program entry, date of birth, individual with a disability, pregnant or parenting, youth who needs additional assistance, foster youth, homeless youth, offender, low income, and English Language Learner. The only data element related to WIOA Youth eligibility that does not permit the use of self-attestation for documentation is “basic skills deficient.”

Please note that as stated in TEGl 23-19, Change 1, self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and

dated by the participant. ETA broadly interprets what is an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation.

As stated in TEGL 23-19, Change 1, ETA encourages grant recipients to consider the impacts on equity and accessibility when developing their source documentation policies and procedures. For example, grantees considering restrictions on the use of self-attestation should consider that while other documentation sources are preferred when practical, self-attestation is an important option for populations with barriers to obtaining eligibility and reporting documents (such as disconnected youth, American Indian and Alaska Native populations, individuals experiencing homelessness, justice involved individuals, refugees, disaster impacted individuals, and others) and help ensure such populations are able to equitably access services. As a best practice, once enrolled, programs should assist the participant in obtaining the required documents through the use of supportive service funds as these documents are likely needed for employment and training related activities.

- b. *Mental Health Assessment, Referrals, and Training for Staff.* The youth workforce system plays a critical role in supporting the mental health of participants through assessments, comprehensive guidance and counseling, including referrals to partner organizations, as well as providing sufficient supportive services to help alleviate additional barriers to education and work. Understanding the challenges and building new or strengthening existing partnerships with local mental health agencies and organizations can help ensure that youth are receiving the support and treatment they need.

Comprehensive guidance and counseling is one of the WIOA Youth program's 14 program elements. As defined in 20 CFR 681.510 of the WIOA final rule, comprehensive guidance and counseling "provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate." When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the providers must coordinate with the organization to which it refers in order to ensure continuity of service in the WIOA Youth program.

In its August 2022 survey, the National Youth Employment Coalition found that most youth employment programs indicated that their youth cannot access mental health services when they need them. Sixty percent of respondents estimated that fewer than half the youth could access mental health support in their community when needed. Two other major findings from the survey include:

- 64% of respondents did not have a process for screening and/or monitoring young people for mental health needs. Moreover, 60% of these respondents estimated that more than half of their youth need mental health support.

- 89% of respondents indicated they did not have sufficient resources to deliver quality mental health training to staff. 72% of respondents do not track if youth receive needed mental services.

It is important to note that while youth workforce development practitioners are not expected to be experts in mental health, there are many ways to assess mental health needs at program enrollment and throughout their participation in the program and that mental health assessments are an allowable cost under WIOA. ETA strongly encourages integrating mental health assessments into the objective assessment process to identify potential mental health needs that must be addressed through mental health services or through referrals to mental health professionals for youth to be successful in the program.

Additionally, professional development for youth workforce development practitioners is essential for ensuring staff have the appropriate skills, knowledge, and abilities to effectively serve the young adults in the WIOA Youth program. Professional development is an allowable cost under WIOA. ETA strongly encourages local workforce development boards to offer professional development training to all staff that work with youth, and quality mental health training along with training related to trauma-informed care principles should be included.

- c. *Virtual Work Experiences.* Virtual work experiences are allowable under the WIOA youth program. With COVID-19 pandemic, virtual services, such as virtual work experiences, became necessary. Virtual work experiences can offer more flexibility and broaden work experience opportunities, particularly in rural areas. They can also promote equity and access for youth that might not otherwise have the opportunity for certain types of work experiences. Therefore, local WIOA Youth programs are permitted to continue to provide virtual work experiences beyond the COVID-19 pandemic. And while WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical. For technical assistance resources, visit: <https://youth.workforcegps.org/resources/2020/06/18/13/10/Resources-on-Virtual-Engagement>.
- d. *Digital Literacy and Access.* Section 101 of WIOA authorizes state workforce development boards to use WIOA funding to support digital literacy efforts. Additionally, Section 107 states that local boards shall “identify strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase access to services and programs of the one-stop delivery system, such as improving digital literacy skills.” Jobs in almost every industry are increasingly requiring workers to have digital literacy skills. While many youth are considered “digital natives,” or people who have grown up with technology and the internet, it is still important to ensure that young people have the digital skills needed to successfully enter and remain in the workforce.

It is important to note that WIOA funds can also be used to pay for devices and broadband internet service that will allow a participant to create or maintain a wireless connection for distance learning, search for jobs, and engage in other employment and training services where such services are already allowable. A local area must have written policies and procedures in place that outlines the steps/factors it will consider to approve a cost and ensure that costs are reasonable, necessary, allowable, and allocable to the WIOA grant. In addition, ETA encourages local WIOA Youth programs to inform participants about the Affordable Connectivity Program that helps families access affordable broadband. For more information, visit: [Emergency Broadband Benefit | Federal Communications Commission \(fcc.gov\)](https://www.fcc.gov/emergency-broadband-benefit).

- e. *Assessment.* WIOA requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. TEGL 21-16 stated that “local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.” While this continues to be true, state and/or local programs may use previous assessments older than six months if they deem appropriate and if there is a state/local policy in place that allows the use of such assessments. It is important that assessments do not serve as a deterrent to program enrollment. In addition, it is critical that local programs incorporate the results of the objective assessment into a participant’s Individual Service Strategy and the services, such as career counseling, that participants receive.
- f. *Supportive Services.* Supportive services allow participants to persist in and complete program activities and are vital ingredients in youth success.
 - i. *Supportive services as an allowable work experience expenditure:* TEGL 21-16 stated that “supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.” However, ETA’s policy on this issue has evolved. ETA recently determined that supportive services that enable WIOA participants to participate in training can count toward training expenditures. Therefore, to be consistent with this policy, supportive services that enable WIOA participants to participate in work experience can now count toward the work experience expenditure requirement.
 - ii. *Food.* A frequently asked question is whether food is an allowable cost for youth participants in WIOA. ETA’s policy continues to be that on a limited basis and in certain situations, food at a reasonable cost may be provided to youth-serving program participants as a supportive service. Food may be provided to eligible youth when it will assist or enable the participant to participate in allowable youth program activities and to reach his/her employment and training goals, thereby achieving the program’s overall performance goals. The use of grant funds for food should be limited to

reasonable and necessary purchases that are coordinated, when possible, with other community, state, or federal services that provide food for low-income individuals. Local areas should have written policies and procedures in place for purchasing and distributing food to ensure consistent treatment of these types of expenses. When developing written policies and procedures, please review the Uniform Guidance at 2 CFR 200.403.

- g. *Reporting and Expenditures for Pre-Apprenticeship and Apprenticeship.* WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. TEGL Nos. 8-15 and 21-16 provide further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulate that program expenditures on the work experience program element can be more than just wages paid to youth in work experience.

An important reminder is that expenditures for pre-apprenticeships count toward the work experience expenditure requirement. In addition, if the pre-apprenticeship program includes an occupational skills training component, separate from the work experience, WIOA Youth programs may report pre-apprenticeship under both the work experience program element and the occupational skills training program element. Also, while not explicitly listed in WIOA as a type of work experience, WIOA Youth expenditures related to Registered Apprenticeship programs count toward the minimum work experience expenditure requirement.

- h. *Comprehensive Guidance and Counseling Reporting.* As noted elsewhere in this guidance, local area staff should prioritize delivering services over administrative functions. However, accurate reporting provides enough administrative data to assess what strategies are working and can also contribute to building evidence on effective services for youth. Therefore, ETA also notes where program elements may not be accurately reported. Where feasible, states should review their policies, systems, and training so that services can be accurately recorded. In reviewing reporting data, ETA observed that many states may not be accurately reporting the comprehensive guidance and counseling program element. For example, in the most recent data reported, five states report 100 percent of participants receive this program element, two additional states report over 90 percent of participants receive this program element, and three more report over 70 percent as receiving comprehensive guidance and counseling. It appears some states report certain program services as comprehensive guidance and counseling that should be categorized in other program elements, or they are reporting general case management as comprehensive guidance and counseling. As stated in TEGL 21-16, case management is the act of connecting youth to appropriate services and is not considered a program element.

Another program element that often is misreported as comprehensive guidance and counseling is the program element entitled “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.” As discussed in TEGL 21-16, career counseling services may include providing

information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training. This type of career counseling, often provided by a case manager, should be reported as the “services that provide labor market information” program element and should not be reported as the comprehensive guidance and counseling program element. As mentioned above, youth are experiencing significant mental health and substance abuse issues, and it is important to have a clear understanding of when WIOA Youth providers deliver services within the comprehensive guidance and counseling program element to youth participants. Technical assistance resources related to comprehensive guidance and counseling can be found at:

https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=E98DB3B477814B1DAD1754299248AE86&_z=z

- i. *Follow-up Services and Mentoring Reporting.* In reviewing reporting data, ETA observed fewer participants than expected receiving the program elements of mentoring and follow-up services. Only 10 percent of youth nationally are reported as receiving mentoring in the current program year and nine states report zero participants receiving mentoring services. In addition to those nine states, 17 more states report fewer than three percent of participants as receiving mentoring services. Likewise, only 18 percent of youth nationally are reported as receiving follow-up services despite follow-up services being a required program element for all participants. Five states reported zero youth as receiving follow-up services, an additional nine states reported less than five percent of participants receiving follow-up services, and 13 more states reported less than 10 percent of participants receiving follow-up services.

Both mentoring and follow-up services provide critical support to youth that help youth succeed in their career pathway progression. One potential explanation for the low numbers in these two program elements is that perhaps these services are being provided, just not for the full twelve months specified in WIOA. While both program elements require their provision for a minimum of 12 months, it is not necessary to wait until a participant receives these services for the full 12 months prior to reporting them. For example, if a participant receives mentoring services, such services can be reported in the first quarter in which mentoring is received. Likewise, follow-up services can be reported in the first quarter in which it is received. As a reminder, as stated in WIOA section 681.580, mentoring is one of the types of services that is permitted during follow-up.

Technical assistance resources related to Mentoring can be found at:

https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=1D201FB7BEAA404EA16918E772D45F68&_z=z.

Technical assistance resources related to Follow-up can be found at:

https://youth.workforcegps.org/resources/2017/03/22/09/55/~/~/link.aspx?_id=C8899A818F794561941389237DF746CC&_z=z.

- j. *Reporting Barriers, Including In-School Youth Who Require Additional Assistance.* In order to ensure the program is serving a diverse mix of youth and that it is accessible to all youth, reporting youth demographic information, including eligibility barriers, is very important. In addition, programs should make sure to report all eligibility barriers for youth when youth have multiple barriers, so that program staff, states, and ETA and have an accurate representation of the youth we serve.

There is one exception to the reporting of all youth eligibility barriers -- in-school youth who require additional assistance to complete an education program or secure or hold employment. For this particular barrier, it is important that local programs report it only when it is a participant's sole eligibility barrier. WIOA includes a limitation where in each local area only five percent of in-school youth in a given program year can be determined eligible using the "youth who require additional assistance to complete an education program or secure or hold employment" barrier. Based on the most recent data, 24.3 percent of in-school youth nationally are reported as having the "youth who require additional assistance" barrier. In order to more accurately track this five percent limitation, WIOA Youth programs should only report youth as having this barrier if it is their only barrier, and therefore, the barrier used for eligibility determination.

In the most recent report, 43 states had more than five percent of their youth with this barrier, meaning that at least one local area in each of those states report more than five percent of their youth as having this barrier. While this does not necessarily indicate that all such reported youth have the "youth who require additional assistance" as their only barrier, for tracking purposes of the five percent limitation, in-school youth with multiple barriers should not be reported as having the "youth who require additional assistance" barrier. States must ensure that each local area in their state has less than five percent of their in-school youth per program year that report this barrier for eligibility determination.

5. **Inquiries.** Please direct inquiries to the appropriate Regional Office.

6. **References.**

- Workforce Innovation and Opportunity Act, Pub. L. 113-128
- Training and Employment Guidance Letter (TEGL) No. 21-16: Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance
- Training and Employment Guidance Letter (TEGL) No. 8-15: Second Title 1 WIOA Youth Program Transition Guidance
- Training and Employment Guidance Letter (TEGL) No. 23-19 Change 1: Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Department of Labor (DOL) Workforce Programs

7. **Attachment:**

Attachment I: Departmental Vision and Priorities for Youth