

TRAINING AND EMPLOYMENT NOTICE	NO. 1-14
	DATE July 7, 2014

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE INVESTMENT BOARDS
AMERICAN JOB CENTERS
YOUTHBUILD
WIA SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEEES

FROM: PORTIA WU /s/
Assistant Secretary

SUBJECT: Strategies for Using Workforce Investment Act (WIA) Youth Formula Funds to Serve Court-Involved Youth and Youth At-Risk of Offending

1. **Purpose.** The WIA Youth Formula Program provides funds to state and local areas to serve low-income youth ages 14 to 21 who face barriers to employment. The purpose of this notice is two-fold: to provide examples of strategies that may prove useful for WIA programs that serve court-involved youth and youth at-risk of offending, and to offer points to keep in mind in designing and operating programs for this population.
2. **Background.** Juvenile courts handled 1.4 million delinquency cases in 2010, resulting in 112,600 out-of-home placements, 491,100 probation assignments, and 310,200 other sanctions. Court-involved youth are highly at-risk of not being successful in the workforce and have high rates of recidivism. For example, 79 percent of youth released from state juvenile correctional facilities and 62 percent of youth placed on probation in Virginia are arrested for a new crime within three years. State funding across the country for educational and workforce development services for court-involved youth and youth at-risk of offending historically have been very limited relative to the needs of this population, leaving a lot of room for expanded and improved services.

The Department of Labor’s Reintegration of Ex-Offenders (RExO) program for youth is authorized under WIA Section 171 Pilot and Demonstration Projects. RExO Youth Offender grants typically focus on young offenders who currently are involved or have been involved in the juvenile justice system but have never been involved in the adult criminal justice system. Some youth projects also provide services for youth at risk of offending who are high school dropouts and live in communities with high poverty and crime rates. The youth offender grants use employment, service-learning, mentoring, educational interventions, and access to supportive services to improve the long-term employability of court-involved youth and to reduce their rate of recidivism. Currently, 68 grants serve court-involved and at-risk youth.

The Department's adult RExO grants are authorized under WIA section 171 and section 212 of the Second Chance Act of 2007 (42 USC 17532).

This Training and Employment Notice (TEN) provides examples of strategies used by RExO youth grantees which may prove useful to WIA youth programs serving this population. It also presents points to keep in mind in designing and operating programs for this population. The example strategies discussed here represent some of the RExO initiatives with the most potential for improving education and workforce outcomes for court-involved and at-risk youth.

Local areas can implement the strategies below with WIA youth formula funds either under the exemption for special target groups or through partnerships with other agencies. Offenders are one of the primary target groups for youth programs identified in the WIA legislation, and one of the groups that may be served with WIA youth formula funds under the exemption that allows up to 5 percent of participants in each local area to be excluded from the low income eligibility requirement. Alternatively, WIA youth programs could form partnerships with other agencies in implementing these strategies so that low-income youth are served with WIA funds while youth who are not low-income are served with other funds. In either case, court-involved and at-risk youth served with WIA funds would need to meet the age and selective service registration requirements of WIA youth formula programs.

The My Brother's Keeper initiative launched by President Obama in February complements the efforts described in this TEN. The Presidential Memorandum creating the initiative noted that boys and young men of color are less likely to finish high school, have high rates of unemployment, and are disproportionately involved in the criminal justice system. My Brother's Keeper is an interagency effort to improve measurably the expected educational and life outcomes for and address the persistent opportunity gaps faced by boys and young men of color. The initiative will help determine the public and private efforts that are working and how to expand upon them, how the Federal Government's own policies and programs can better support these efforts, and how to better involve State and local officials, the private sector, and the philanthropic community.

3. Examples of Strategies to Improve Outcomes for Court-Involved and At-Risk Youth

Strategy: Having Youth Offenders Participate in Service Projects to Give Back to their Community and to Learn to be Accountable for their Actions.

RExO Civic Justice Corps and Training and Service-Learning grants provide court-involved youth ages 18 to 24 the opportunity to participate in service projects as a way of giving back to their community and being accountable for their actions. Through this approach, local communities derive direct benefit from service-learning projects such as tree planting, weatherizing homes, replacing sidewalks, clearing trails, and building homes for low-income families with non-profit organizations such as Habitat for Humanity. Participants also receive stipends, remedial education, and job placement. The aim is that the young offenders can begin to see themselves as contributing positively to their communities.

The Department of Labor has awarded service-learning grants in 36 communities. Some examples of organizations that have served as grantees include The Corps Network, YouthBuild USA, and YouthBuild Newark. Local WIA programs could similarly partner with other agencies to fund slots in local service and conservation corps for court-involved youth.

Outcomes: The Department's Civic Justice Corps grants have placed 49 percent of out-of-school enrollees in jobs, vocational training, or post-secondary education, which is above the GPRA goal of 36.8percent.

Strategy: Improving Educational Services in Juvenile Correctional Facilities and Detention Centers

Youth in juvenile correctional facilities have high rates of previously being assigned to special education, have often had their education disrupted due to previous behavioral problems, and have difficulty in succeeding in school when they return home. To help address the educational problems of youth in confinement, the Department provided grants to eight states between 2004 and 2007 to improve academic and workforce development services at one juvenile correctional facility in their state. Pennsylvania targeted its grant on the largest juvenile correctional facility in the state and used the grant to extend the school year through the summer at the facility, provide evening and Saturday reading and math enrichment classes, install educational software for students to use, and provide youth with personal laptop computers to do their homework during the evening. California used its grant to start a Career Academy at the designated correctional facility staffed by a multi-subject/distance learning teacher, a reading/math teacher, a career vocational counselor, a transition coordinator, and a parole agent. The parole agent developed parole plans for youth and coordinated with parole officers when the youth returned home. While California's model has not been formally evaluated, state and local WIA agencies could similarly coordinate with state education and juvenile justice agencies, local juvenile justice agencies, and local school districts to improve educational services at juvenile correctional and detention centers.

Outcomes: The State of Pennsylvania funded an independent evaluation conducted by the National Center for Juvenile Justice of its DOL youthful offender grant. The evaluation found quite positive impacts of the grant, including math gains of 3.4 grade levels, reading gains of 1.6 grade levels, 183 students completing GED requirements, 10 students earning high school diplomas, and a new education paradigm emerging at the school, with education becoming more pervasive and with an increased emphasis on goal attainment such as earning credits, diplomas, GED completion, and vocational certification. But the study found that upon release students continued to have high rates of recidivism and low rates of returning to school or finding employment. The study recommended that the year-round school model developed by the grant, including summer school, night school, and Saturday classes, be continued at the school and expanded to schools at other correctional facilities in the state, and that transition services for students be greatly expanded.¹

¹ Douglas Thomas and Suzanna Zawacki, Final Report, Phase II, Formative Evaluation of the Midwestern Intermediate Unit IV/Frew Mill School Youthful Offenders Grant, National Center for Juvenile Justice, December, 2006.

Strategy: Concentrating Services for Court-Involved Youth in High-Poverty, High-Crime Communities

High-poverty communities often deal with high rates of crime, violence, joblessness, youth gangs, dropping out of school, and illegal drug use. Youth growing up in such communities are at risk of criminal involvement, with studies showing that adult prisoners come disproportionately from these areas. The Department currently funds 12 High-Poverty, High-Crime grants to intermediary organizations to serve young offenders in 44 communities. These grants require coordination with the local juvenile justice systems, and include workforce development, education and training, case management, mentoring, and restorative justice components. Local WIA programs could similarly collaborate with their local juvenile justice and public school systems, corporations, universities, foundations, and social service agencies to improve services to youth in high-poverty, high-crime communities in their cities.

Outcomes: In the first two high-poverty, high-crime grants, 86 percent of enrollees ages 17 and under who returned to school, remained in school for 12-months.

All resources and tools that are not federal government resources, identified in the following sections, 4 and 5 are provided for informational purposes only. Their inclusion in this publication does not imply that the U.S. Department of Labor endorses or supports any outside organizations.

4. Points to Keep in Mind in Designing and Operating Programs for Court-Involved and At-Risk Youth.

- A. **Developing Partnerships.** Partnerships are crucial to the success of any program that provides services for court-involved youth.
- WIA Youth programs can play an important role as part of a consortium to provide services for this population. Partners may include juvenile justice agencies, district attorneys, local police, legal aid centers, public school systems, substance abuse treatment agencies, foundations, faith-based and other community-based organizations.
 - Educational programs are crucial when serving this population. Partnerships with community colleges, which allow youth offenders to earn college credit even if they do not have a high school diploma, can encourage youth to attain their high school equivalency or GED and enroll in college.
 - The Center for Law and Social Policy (CLASP) has noted in a review of selected programs that serve court-involved youth conducted through the Department's Youth Opportunity and Youth RExO Grants that the confidentiality of juvenile records can be an impediment to collaboration between the juvenile justice and workforce development systems. Local agencies can overcome this by understanding what is

necessary to preserve protections under confidentiality laws, creating formal agreements, defining the protocols for sharing confidential records, using participant and parent waiver forms during enrollment, and requiring staff to sign confidentiality agreements.

- A useful resource for the workforce system is the State Advisory Group (SAG). SAGs provide training, experience, or other special knowledge regarding the prevention and treatment of juvenile delinquency and the administration of juvenile justice. The chair of the SAG assists the state in developing and implementing the juvenile justice plan submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice every 3 years. OJJDP provides a resource list of various state contacts and descriptions of those positions at: <http://www.ojjdp.gov/statecontacts/resourcelist.asp>. In addition, OJJDP provides an outline of various personnel who work within the juvenile justice field in each state, available at: <http://www.ojjdp.gov/statecontacts/categorydefinitions.html>.

B. Identifying Barriers. Be cognizant of, and help remediate, specific barriers faced by court-involved youth.

- Youth returning from confinement have high incidences of prior drug and alcohol abuse. Programs should develop partnerships with local substance abuse treatment centers. Drug courts also offer an option for adult and juvenile offenders with a history of substance abuse. The U.S. Department of Health and Human Services' Web site provides a locator for treatment centers in each state at <http://findtreatment.samhsa.gov/>.

Youth in juvenile correctional facilities, as well as at-risk youth, have high rates of learning disabilities which, whether diagnosed or undiagnosed, may contribute to additional challenges for youth including making it harder for them to comply with directions. Having staff trained to identify the potential presence of a learning disability, connections to community resources to assess the presence of a learning disability, and steps to mitigate its impact are important. For more information on the educational problems faced by court-involved and at-risk youth, see *Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems* published by the Center for Juvenile Justice Reform at <http://cjjr.georgetown.edu/pdfs/ed/edpaper.pdf>.

- The CLASP review of DOL programs serving court-involved youth noted the significant help that case managers can provide in helping address the barriers faced by this population, and that case managers can play an important role in accompanying these youth to court hearings. RExO youth projects in Los Angeles, CA; Camden, NJ; and Boston, MA created a positive paper trail that documented youths' participation and accomplishments in both court-mandated and personal development activities.
- Youth from the juvenile justice system should not be receiving program services at the same location with adult offenders from the adult criminal justice system. One of the

core protections provided for juveniles under the Juvenile Justice and Delinquency Prevention Act is that juvenile offenders be confined separately from adult inmates. Given the vulnerabilities of juvenile offenders, it also makes sense not to mix juvenile and adult offenders in non-residential programs.

- Court-involved female youth typically have been involved in less serious crimes than males; however, the relatively minor offenses of female juveniles often reflect serious underlying problems such as physical and sexual abuse. Programs may need to address the particular issues faced by court-involved female juveniles. See the *Causes and Correlates of Girls' Delinquency*, a report by the Girls Study Group, a panel of experts convened by the U.S. Department of Justice available at <https://www.ncjrs.gov/pdffiles1/ojjdp/226358.pdf>.

C. **Employer Engagement.** Connecting with employers is critical when serving court-involved and at-risk youth.

- Job placement efforts should include close connections with local employers, job fairs, and opportunities for paid internships. Holding job fairs exclusively for these youth helps them to feel more comfortable knowing that employers are receptive to hiring them.
- Programs should seek groups and individuals to serve as mentors for court-involved youth. Mentors from the business community are extremely effective and may be able to offer employment.
- Employers should be made aware of the Federal Bonding Program (FBP) (<http://www.bonds4jobs.com/index.html>) supported by the Department. Employers receive the bonds free-of-charge as an incentive to hire hard-to-place job applicants, such as ex-offenders, including any one with a record of arrest, conviction or imprisonment, and anyone who has ever been on probation or parole. The FBP bond insurance is designed to reimburse the employer for any loss due to employee theft of money or property.

D. **Fair Labor Standards Act (FLSA)**

- The FLSA establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting employees in the private sector and in Federal, State, and local governments. Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour effective July 24, 2009. Overtime pay at a rate not less than one and one-half times the regular rate of pay is required after 40 hours of work in a workweek.

5. **Resources.**

Center for Law and Social Policy. (November 2006). *Making the Juvenile Justice – Workforce System Connection for Re-Entering Young Offenders*: <http://www.clasp.org/admin/site/publications/files/0329.pdf>:

- This guidebook provides advice from the field to communities interested in pursuing more formal connections, or strengthening existing connections, between the workforce and justice systems; it focuses on specific challenges and how selected communities addressed them.

Coordinating Council on Juvenile Justice and Delinquency Prevention:

<http://www.juvenilecouncil.gov/>

- The Council is an independent body within the executive branch of the Federal government. The Council's primary functions are to coordinate Federal juvenile delinquency prevention programs, Federal programs and activities that detain or care for unaccompanied juveniles, and Federal programs relating to missing and exploited children.

Federal Interagency Reentry Council: <http://www.nationalreentryresourcecenter.org/reentry-council>

- In January 2011, Attorney General Eric Holder convened the inaugural meeting of the Federal Interagency Reentry Council. The purpose of this group is to bring together numerous Federal agencies to make communities safer, assist those returning from incarceration in becoming productive, tax-paying citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

National Collaborative on Workforce and Disability. *Guideposts for Success for Youth Involved in the Juvenile Corrections System*: <http://www.nwd-youth.info/guideposts/juvenile-justice>

- The Juvenile Justice Guideposts highlight specific experiences, supports, and services relevant to improving transition outcomes for youth with and without disabilities involved, or at risk of becoming involved, in the juvenile justice system.

Nemoy, Yelena. (2013). *Promoting Postsecondary Success of Court-Involved Youth: Lessons from the NYEC Postsecondary Success Pilot*. Washington, DC: National Youth Employment Coalition. <http://www.opensocietyfoundations.org/sites/default/files/nyec-court-involved-youth-postsecondary201305.pdf>

- In 2009 the National Youth Employment Coalition began funding 10 community-based organizations to assist at-risk youth go on to postsecondary education. This report looks at lessons learned from the demonstration relevant to young offenders.

The Office of Juvenile Justice and Delinquency Prevention <http://ojjdp.gov/index.html>

- The goal of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is to provide national leadership in addressing the issues of juvenile delinquency and improving juvenile justice. OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP). (October 2010). *Best Practices to Address Community Gang Problems: OJJDP's Comprehensive Gang Model*: <https://www.ncjrs.gov/pdffiles1/ojjdp/231200.pdf>

- The Guide provides communities that are considering implementing the comprehensive gang model with critical information to guide their efforts. The Guide describes the research that produced the model, and outlines best practices obtained from practitioners.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP). (November 2000). *Employment and Training for Court-Involved Youth*: https://www.ncjrs.gov/html/ojjdp/ojjdpreport_11_2000/.

- The Task Force on Employment and Training for Court-Involved Youth developed this report. The Task Force developed strategies to remove the barriers that preclude court-involved youth from participation in the workforce. Task Force members included representatives from Federal agencies, universities, national organizations, juvenile justice and corrections associations, youth-serving programs, private foundations, and many other groups.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP). (April 2010) *Girls Study Group: Causes and Consequences of Girls' Delinquency*. <https://www.ncjrs.gov/pdffiles1/ojjdp/226358.pdf>

- This publication is a resource for understanding delinquency among girls. It is part of a series of reports from the Girls Study group on the OJJDP web site. Other reports in this series include *Resilient Girls—Factors that Protect Against Delinquency* at: <https://www.ncjrs.gov/pdffiles1/ojjdp/220124.pdf>; *Violence by Teenage Girls: Trends and Context* at <https://www.ncjrs.gov/pdffiles1/ojjdp/218905.pdf>; *Charting the Way to Delinquency Prevention for Girls* at: <https://www.ncjrs.gov/pdffiles1/ojjdp/223434.pdf>; and *Suitability of Assessment Instruments for Delinquent Girls* at: <https://www.ncjrs.gov/pdffiles1/ojjdp/226531.pdf>.

Re-Integration of Ex-Offenders Community of Practice (COP)

- ETA developed several tools that can assist grantees in marketing their programs to employers. These tips and strategies for engaging employers include marketing materials that can be customized to address the specific needs of local areas. These tools and resources are available on the RExO Resource page at: <https://rexo.workforce3one.org/page/home>

Snyder, Howard and Sigmund, Melissa. (March 2006). *Juvenile Offenders and Victims: 2006 National Report*, National Center for Juvenile Justice, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, <http://www.ojjdp.gov/ojstatbb/nr2006/downloads/NR2006.pdf>

- This report provides a comprehensive summary of the juvenile justice system, the characteristics of juvenile offenders, and current issues regarding juvenile justice in this country.

6. **Inquiries.**

Please direct questions on this TEN to the Division of Youth Services at 202-693-3030.