

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



May 29, 2026

The Honorable Laura Kelly
Governor of Kansas
Kansas Statehouse
300 SW 10th Avenue, Ste. 241S
Topeka, KS 66612

Dear Governor Kelly:

Thank you for your waiver request submission to the U.S. Department of Labor (Department) regarding certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system (enclosed). The waiver request was received on March 2, 2026, as part of your recent WIOA State Plan modification submission. This letter provides the Employment and Training Administration's (ETA) official response to your request and memorializes that Kansas will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Kansas and ETA. This action is taken under the Secretary of Labor's authority to waive certain requirements of WIOA Title I, Subtitles A, B, and E, and Sections 8–10 of the Wagner-Peyser Act in WIOA Section 189(i).

Requested Waiver: Waiver associated with the requirement at WIOA Section 129(a)(4)(A) and 20 CFR 681.410 that the State and local areas expend 75 percent of Governor's reserve youth funds and local formula youth funds on out-of-school youth (OSY).

ETA Response: ETA approves for Program Years (PY) 2026 and 2027, which includes the entire time period for which states are authorized to spend each of those PY fund allotments, the State's request to waive the requirement that the State expend 75 percent of Governor's reserve youth funds on OSY. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of Kansas to implement its plan to improve the workforce development system. The State may lower the expenditure requirement of Governor's reserve funds to 50 percent for OSY.

In addition, ETA approves for PYs 2026 and 2027, which includes the entire time period for which states are authorized to spend each of those PY fund allotments, the State's request to waive the requirement that local areas expend 75 percent of local youth formula funds on OSY. The State may lower the local youth funds expenditure requirement to 50 percent for OSY. As a result of this waiver, ETA expects that the number of in-school youth (ISY) served will increase, and performance accountability outcomes for overall WIOA Youth (including both ISY and OSY) will remain steady or increase for the majority of the WIOA Youth performance indicators.

Requested Waiver: Waiver of the requirements at WIOA Section 129(a)(1)(B)(III) and (VIII) and at 20 CFR 681.210(c)(3) and (c)(9) that OSY who are either basic skills deficient, English language learners, or require additional assistance to enter an educational program or employment be exempt from the low-income requirement.

ETA Response: ETA does not approve the State's request to waive 20 CFR 681.210(c)(3) and (c)(9). The waiver request pertains to participant eligibility, which is outside the Department's waiver authority. The State requested that out-of-school youth who are basic skills deficient, English language learners, or require additional assistance to enter an educational program or employment to not also have to be low-income. ETA notes that out-of-school youth, when they also do not have a secondary school diploma or its recognized equivalent and otherwise meet WIOA Youth eligibility criteria, do not need to be low-income. ETA also notes that WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low income.

Requested Waiver: Waiver of WIOA Section 121(e) and 20 CFR 678.300(c), which require each local workforce development area to establish and maintain at least one comprehensive American Job Center (AJC).

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement that each local area maintain a comprehensive AJC. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to improve the workforce development system. Before implementing this waiver, the State must provide ETA with the following information:

- Specify which local areas will not maintain a comprehensive AJC; and
- Explain the reasoning and anticipated benefits behind using alternative models, such as hub-and-spoke, affiliate sites, mobile units, or remote service technology, to enhance access in comparison to the current approach.

Requested Waiver: Waiver of 20 CFR 681.550 to allow WIOA individual training accounts (ITAs) for ISY.

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement limiting ITAs to only OSY, ages 16–24. In addition to these OSY, the State may use ITAs for ISY, ages 16–21. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to improve the workforce development system.

Requested Waiver: Waiver of the one-stop operator selection requirements found at 20 CFR 678.605 and 20 CFR 678.610, which require a competitive selection process every four years and only allows the Local WDB to be selected as one-stop operator with the agreement of the chief elected officials and the Governor.

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the competitive one-stop operator selection requirements in the newly created WorkforceONE local area. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived impede the ability of the State to implement its plan to

improve the workforce development system. In this local area, the local workforce development board may act as the one-stop operator without a competitive procurement.

Requested Waiver: Waiver of WIOA Section 134(d)(2)(a), 20 CFR 680.910 (a)(1), and 20 CFR 680.910 (b), which state supportive services may only be provided to individuals who are participating in career or training services and are necessary to enable individuals to participate in career service or training activities.

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement that prohibits the use of Adult and Dislocated Worker funds for provision of supportive services during the 12-months following participant exit and entry into employment. With this waiver, the State can provide targeted supportive services to participants who have exited from the program and entered employment, including recipients of public assistance, to ease temporary barriers that may impede job retention.

Requested Waiver: Waiver of the requirement that local youth programs make available each of the 14 youth program elements required under WIOA Section 129(c)(2).

ETA Response: ETA approves, for PYs 2026 and 2027, the State's request to waive the requirement that local youth programs make available each of the 14 youth program elements listed in WIOA Section 129(c)(2) and 20 CFR 681.460. Under this approval, local areas are not required to make available all 14 program elements. ETA reviewed the State's request and plan and determined that the requirements requested to be waived impede the State's ability to implement its plan to improve youth workforce development service delivery.

The State is reminded that WIOA Title I waivers may not be used for any discriminatory purposes. All activities and waiver plan provisions must comply with Section 188 of WIOA, the implementing regulations at 29 CFR Part 38, and all applicable federal nondiscrimination laws.

The State must report its waiver outcomes and implementation of the approved waivers in the WIOA Annual Report. ETA will use this information to assess continued waiver approval and to identify promising practices that may be adopted more widely. ETA is available to provide technical assistance to you in support of your goals. If you have questions, feel free to contact my office at (202) 693-2772.

Sincerely,



Henry Mack, Ed.D.
Assistant Secretary

Enclosure

cc: Wade Wiebe, Director, Kansas Office of Workforce Innovation
Pam Gerassimides, Regional Administrator, ETA
Christopher Mendoza, Federal Project Officer, ETA