

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



May 18, 2023

The Honorable Greg Gianforte
Governor of Montana
P.O. Box 200801
Helena, MT 59620-0801

Dear Governor Gianforte:

Thank you for your waiver request submission to the U.S. Department of Labor regarding several 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 requests were received on March 29, 2023. This letter provides the Employment and Training Administration's (ETA) official response to your requests and memorializes that Montana will meet the outcomes and implement the measures identified in its plan to ensure accountability agreed to by Montana and ETA. This action is taken under the Secretary'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 Year (PY) 2023, which includes the entire time period for which states are authorized to spend those funds, 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 Montana to implement its plan to improve the workforce development system. Montana may lower the expenditure requirement of Governor's reserve funds to 50 percent for OSY.

In addition, ETA approves for PY 2023, which includes the entire time period for which states are authorized to spend those funds, the State's request to waive the requirement that local areas expend 75 percent of local youth formula funds on OSY. Montana 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 20 CFR 681.550 to allow WIOA individual training accounts (ITAs) for ISY.

ETA Response: ETA approves, for PY 2023, 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 Montana to implement its plan to improve the workforce development system. Approval of this waiver should not impede the State's efforts to prioritize OSY, including outreach to the OSY population.

The State must report its waiver outcomes and implementation of the approved waiver 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,



Brent Parton
Acting Assistant Secretary

Enclosure

cc: Laurie Esau, Commissioner, Montana Department of Labor and Industry
Nicholas Lalpui, Regional Administrator, ETA
Eva Mejia, Federal Project Officer, ETA

Montana Waiver Request

WIOA Youth Waiver Request: Use of Individual Training Accounts for In-School Youth. Program Years 2023.

State of Montana

Montana Department of Labor & Industry

1. The statutory and/or regulatory requirements the state would like to waive:

The State of Montana is requesting a waiver to allow Montana's WIOA youth service providers to use Individual Training Accounts (ITAs) for in-school youth ages 16-21. The waiver impacts WIOA regulation 20 CFR 681.550 which prohibits youth providers from establishing Individual Training Accounts (ITAs) for WIOA in school youth.

According to current WIOA Regulations, ITAs are established on behalf of eligible clients to pay for approved training services. Currently, only out of school youth, ages 16 - 24 can utilize ITAs. Allowing ITAs for in school youth, providing them the same opportunities for support as out of school youth. This will strengthen the opportunity for Montana students to earn industry-recognized credentials while in school, in line with the Montana University System (MUS) One-Two-Free Program. If a student is interested, they can currently take two free courses through the MUS. Upon successful completion, a student can then take additional courses at 50% two-year resident tuition. This will help meet the goals of the governor, "providing our next generation with high-quality education and empowering our workforce with the skills they need to thrive".

2. Actions the state has undertaken to remove state or local barriers:

A barrier that may have been present previously was a lack of coordination of the State Workforce Innovation Board (SWIB) to collaboratively worked with core and other agency partners to ensure all state and federal resources are presented to Montanans to achieve their educational and career goals. With a reengaged SWIB, it has been determined through board and committee involvement that a reinvention of youth funds can benefit Montana's in-school youth by braiding funds to allow students the ability to earn an industry recognized credential, through multiple funding sources at the same time as they graduate from high school. This collaboration will also benefit retention, graduation, and credential rates throughout the state; both in rural and urban locations.

3. A description of the state's strategic goals

According to the [2022 State Plan Modifications](#):

The governor has reinvigorated a focus to repairing the disconnect between employers and educators, creating sustainable public-private partnerships to create direct to industry

workforce pipelines where workers are needed the most. The governor's Build Montana initiative recognizes that career and technical education (CTE) personalized to each student provides not only the technical skills for occupational advancement but also a vision for the student(s) of what a successful career in industry can mean for the student. Local school boards of trustees in Montana have broad powers to declare flexible course equivalencies and free student seat time in favor of work-based learning opportunities leading to industry credentialed learning.

In addition to ongoing efforts to engage partners and provide meaningful training and collaboration opportunities the state of Montana is focusing on collaborative projects to better serve customers across the state, including:

- Coordinating with industry, education, and workforce partners to understand and map credentials across agencies.
- Coordinating with industry, education, and workforce partners to understand and map credentials across agencies;
- Developing a state-wide work-based learning collaborative to better align opportunities across various state and local entities to streamline data, funding, and programmatic resources to benefit various educational opportunities; including but not limited to, on-the-job training, apprenticeships, stackable credentials, and degree programs.

Currently, the State of Montana provides minimal state funded post-secondary assistance directly to students. However, the Montana University System (MUS) has offered two free college dual enrollment (DE) courses to eligible students since 2018. During the 2021-2022 academic year alone, 6,578 high school students in Montana took college credit. After taking two free courses, high school students are charged half-price tuition, which is \$55/credit hour. The Montana University System estimates that students have had a 93% cost savings compared to the 4-year tuition in Montana. 60% of students who take dual enrollment credits enroll in an MUS institution within 2 years

- DE students have on average a .6 higher GPA
- DE students have a 15% higher retention rate
- DE students have 8.5% higher graduation rates

According to the Montana Office of Public Instruction, high school graduation rate has been trending at roughly 86% percent for over four years. The class of 2021 saw a small uptick above 86%, after a tough year due to the COVID-19 Pandemic. With this waiver, in-school youth, ages 16-21 can take advantage of adding to the number of subsidized courses, toward the goal of industry recognized certifications. The Montana University System currently has 145 certifications. With these combined programs, as student could earn a full credential, or a majority of the courses necessary, through the combined funding streams of 1-2-free and WIOA Youth.

This waiver request is consistent with our Governor's priority to provide our next generation with a high-quality education and to empower our workforce with the skills they need to thrive.

Specific to this broad goal, the Governor is working to align workforce and education programs with goals of student matriculation into careers, college, or credential programs, improving access to education opportunities for Montana students. The Governor is also prioritizing trades education to ensure Montana employers have a highly-skilled workforce.

The above waiver request will result in increased partnership and collaboration among the Montana Department of Labor & Industry, Montana Office of Public Instruction, Montana University System, and the State Workforce Innovation Board (SWIB).

Alongside this waiver request, Montana is also requesting a waiver from Section 129(a)(4)(A) and 20 CFR 681.410 which require not less than 75 percent of funds allotted to states under Section 127(b)(1)(c), reserved under Section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for OSY.

Montana is requesting the following waivers to this statutory and regulatory provision:

1. A waiver of the requirement to expend 75 percent of funding on the OSY population. Montana is requesting that this percentage be lowered to 50 percent.
2. A waiver of the requirement that local funding meet the 75 percent minimum expenditure requirement. Montana requests that this percentage be lowered to 50 percent to align with the statewide target (see #1 above).
3. A waiver of the requirement to expend 75 percent of Statewide Activities funding on the OSY population. It is requested to reduce this percentage to 50 percent to allow flexibility of funding special projects that meet the vision and mission of the state.

The coordination of these two waivers will allow for flexibility to serve Montana students, especially in rural areas.

4. How this waiver compliments Department of Labor priorities

According to the [U.S. Department of Labor FY 2022-2026 Strategic Plan](#), the above waiver request will help fulfill the Mission of the US DOL, which is “To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees, of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.” Within this mission, the waiver request specifically related to Goal 1; Build Opportunity and Equity for All. For the Employment Training Administration, this goal focusses on ETA 1.1 to: “Create customer-focused workforce solutions that serve all workers, including underserved communities.” The combination of both waivers requested will help to provide credentialing opportunities to secondary students entering the workforce, especially within rural Montana. Montana has also under performed with WIOA Youth Performance Indicators, for a number of years. The above requested waivers will allow Montana to focus on reaching more in school youth, to assist with ensuring timely and successful graduation, retention with employment after 2nd quarter and 4th quarter, the credential attainment rate, and measurable skill gain. Service providers would have the flexibility to expend more funding toward in school

youth, if applicable, but successful providers may continue to serve clients in-school or out-of-school.

5. Quantifiable projected programmatic outcomes resulting from implementation of the waiver

Statewide implementation will begin when the waiver is approved through the end of PY 23. The State of Montana anticipates having a steady increase of enrollments over the next program year with the approval of this waiver.

Opportunities for ISY will include the pursuit of career pathways in high-demand occupations, increase training and employment outcomes, and stimulate youth to make their own choices. Specifically, the state anticipates a 20 – 25 percent increase in ISY enrollments yielding the following:

- 10 – 15 percent increase in ISY ITAs over the next two program years.
- At least 75 percent of our ISY enrolled in ITAs will earn an industry recognized credential and/or some other postsecondary credential; thus, increasing both credential attainment and measurable skill gains.
- The number of registered training providers serving youth on the Eligible Training Provider List (ETPL) will increase by at least 5 percent over the next program year.

Through this waiver, in school youth have the potential to obtain dual credit for both secondary and post-secondary course completion that will help improve Montana’s performance by obtaining credentials, measurable skills gains, and ultimately employment and wage gains.

Additionally, measurable goals to achieve regardless of the waiver approval include exceeding the WIOA Youth Program Expected and Negotiated Levels of Performance. For the 2023 Program year those are highlighted below:

	TITLE I – YOUTH PROGRAM			
	PROGRAM YEAR: 2022		PROGRAM YEAR: 2023	
	EXPECTED LEVEL	NEGOTIATED LEVEL	EXPECTED LEVEL	NEGOTIATED LEVEL
EMPLOYMENT (SECOND QUARTER AFTER EXIT)	60.0%	58.0%	60.0%	58.0%
EMPLOYMENT (FOURTH QUARTER AFTER EXIT)	55.0%	55.0%	55.0%	55.0%

MEDIAN EARNINGS (SECOND QUARTER AFTER EXIT)	\$3,200	\$3,200	\$3,200	\$3,200
CREDENTIAL ATTAINMENT RATE	45.0%	50.0%	45.0%	50.0%
MEASURABLE SKILL GAINS	45.0%	50.0%	45.0%	50.0%

Addressing workforce needs centered on preparing students before they graduate from high school. Top solutions from the 2020 Montana Chamber of Commerce Workforce Development survey are as follows:

1. 80% agreed that school districts should be incentivized to put equal emphasis on all career pathways
2. 80% agreed that school districts should be required to incorporate workforce readiness skills in their curriculum
3. 77% agreed that career advising in middle and high school needs to be strengthened
4. 73% agreed that business and economics education should be required in middle and high school

Other top solutions include:

5. Increased support for education and skill-attainment programs for adults
6. Require science, technology, engineering, and math (STEM) education in 6-12 grades
7. Create more registered apprenticeship programs
8. Increase support for government-funded workforce training centers
9. Promote policies to lower housing costs
10. Provide financial aid incentives for students in high-demand fields
11. Increase support for government-funded childcare

Items 1, 2, 3, 5, and 10 are partially addressed with this waiver request, allowing more funding opportunities to students and their career aspirations. With these increased opportunities,

Waiver Goals and Outcomes

Goal: Increase services to youth in our local schools and communities, despite their educational status to earn industry recognized credentials alongside high school diplomas.

Expected Outcome: Approval of this waiver request will allow the state to balance the focus of funds and services on engaging in-school youth to persist in their educational goals through additional dual enrollment opportunities. Ultimately, the goal is for in-school youth to earn an industry recognized credential alongside their high school diploma. It is much more cost-effective to keep youth enrolled in school and engaged in a career pathway, which in the long run, can secure quality jobs in in-demand careers.

Goal: Supporting students in school through successful graduation and transition into post-secondary education and employment.

Approval of this waiver will provide greater opportunity for youth to complete high school and continue on a pathway toward multiple career and educational opportunities, including apprenticeship programs, short-term certificates, associate or bachelor degrees, and sustainable employment.

Goal: Improved flexibility of state, local and statewide activities funding to best meet the needs of our citizens and businesses.

Expected Outcome: Approval of this waiver will allow for innovative strategies to address barriers facing at-risk youth on an individualized basis and encourage innovative strategies to address student retention, engagement, transition, and successful outcomes. This waiver will also improve the ability of students to align career aspirations and design stackable credentials with the workforce and economic needs of the local and state needs.

The WIOA encourages strong partnerships to leverage resources and increase opportunities for youth. In the past year, Montana has appointed a Director of Strategic Engagement at the Montana Department of Labor & Industry and a Montana Ready Coordinator at the Montana Office of Public Instruction to better align education and workforce to encourage employer specific workforce pipelines. Additionally, input and implementation will be in coordination with the state's education system, including the Montana University System. The focus is to connect applicable state and local agency efforts in an effort to assist youth, including at-risk youth, in leveraging resources and aligning successful program models that lead to student persistence, retention, completion, career awareness, and employment opportunities.

6. Individuals, groups, or populations benefiting, or otherwise impacted by the waiver, or from the waiver.

Montana's low-income, at-risk youth, and adult population, American Job Centers (AJC) and subcontracted service provider staff, Montana employers/business/industry, parents, teachers, and school counselors will benefit from the waiver, if approved.

7. How the state plans to monitor waiver implementation, including collection of measurable waiver outcome information.

- A formal monitoring will be conducted by the entity designated by the SWIB.
- The WIOA Title I youth program manager(s) will provide technical assistance to case managers.
- Service providers are required to verify eligibility for the Youth program. Guidance on the program's eligibility, the application, and related timeliness for reporting participant information is available in the [WIOA Operations Manual](#).

Notice to Local Boards and Public Comment

- Montana issued the waiver request for Public Comment from February 10, 2023 – March 10, 2023.

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Montana Waiver Request

WIOA Youth Waiver Request: Flexibility in Funding to Increase In-School Youth Enrollments. Program Year 2023.

State of Montana

Montana Department of Labor & Industry

1. The statutory and/or regulatory requirements the state would like to waive:

The State of Montana seeks a waiver from the WIOA Section 129(a)(4)(A) and 20 CFR Part 681.410, which require not less than 75 percent of funds allotted to states under Section 127(b)(1)(C), reserved under Section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for Out-of-School Youth (OSY). The state of Montana is requesting:

- The flexibility to lower the minimum expenditure of 75% for OSY to 50%.

2. Actions the state has undertaken to remove state or local barriers:

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver. Current State of Montana laws, regulations, and policies follow federal law, regulations, and guidance.

3. A description of the state's strategic goals

The governor has reinvigorated a focus to repairing the disconnect between employers and educators, creating sustainable public-private partnerships to create direct to industry workforce pipelines where workers are needed the most. The governor's Build Montana initiative recognizes that career and technical education (CTE) personalized to each student provides not only the technical skills for occupational advancement but also a vision for the student(s) of what a successful career in industry can mean for the student. Local school boards of trustees in Montana have broad powers to declare flexible course equivalencies and free student seat time in favor of work-based learning opportunities leading to industry credentialed learning.

The above waiver request will result in increased partnership and collaboration among the Montana Department of Labor & Industry, Montana Office of Public Instruction, the Montana University System, and the State Workforce Innovation Board (SWIB).

The state of Montana is committed to designing a public workforce and talent development system that is programmatically and physically accessible to all Montanans, including youth and those with barriers to employment.

Montana is also requesting a waiver to provide Montana youth service providers with the flexibility to use Individual Training Accounts (ITAs) for in-school youth under WIOA Youth. The waiver impacts WIOA regulation 20 CFR 681.550 which prohibits In School Youth from utilizing youth program Individual Training Accounts (ITAs).

Currently, only out of school youth, ages 16-24 can utilize ITAs.

The coordination of these two waivers will allow for flexibility to serve more of Montana's young people.

4. How this waiver compliments Department of Labor priorities

According to the [U.S. Department of Labor FY 2022-2026 Strategic Plan](#), the [U.S. Department of Labor FY 2022 – 2026 Strategic Plan](#) the above waiver request will:

Help fulfill the Mission of USDOL, which is “To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees, of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.” Within this mission, the waiver request specifically relates to Goal 1; Build Opportunity and Equity for All.

5. Quantifiable projected programmatic outcomes resulting from implementation of the waiver

Montana has been challenged to meet some of the WIOA Youth Program Performance Indicators and has under-performed with youth performance indicators, for a number of years. This may be due in part to the rural nature of the state or the inability of youth providers to enroll more in school youth.

Through this waiver Montana youth providers will have the flexibility to focus on reaching out to more in school youth to assist in meeting their needs; ensuring they are working toward the successful completion and graduation from secondary and/or post-secondary education; increasing measurable skills gains and the credential attainment rate, median earnings and ultimately meeting employment retention rates after the 2nd quarter and 4th quarter,

The State tracks WIOA youth expenditures quarterly through Montana's WIOA Management Information System. Should any area or provider be identified as at-risk following a quarterly review, technical assistance will be provided immediately.

Goals with the WIOA Youth Waiver request(s) include surpassing Montana's all time high graduation rate of 86.6% in the 2018-2019 academic year. Progress has been made in the last two years of data, but much work is still needed. Assistance with opportunities to have the flexibility for funding with in-school youth will help to increase high school graduation rates, exceeding past graduation rates. Below is a historic view of graduation rates in Montana.

4-Year Cohort Graduation Rates (Public & State-Funded Only): 2016-2021*

	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021
Statewide	85.9%	86.4%	86.6%	85.9%	86.1%

Opportunities for ISY will include the pursuit of career pathways in high-demand occupations, increase training and employment outcomes, and stimulate youth to make their own choices. Specifically, the state anticipates a 20 – 25 percent increase in ISY enrollments yielding the following:

- 10 – 15 percent increase in ISY ITAs over the next two program years.
- At least 75 percent of our ISY enrolled in ITAs will earn an industry recognized credential and/or some other postsecondary credential; thus, increasing both credential attainment and measurable skill gains.
- The number of registered training providers serving youth on the Eligible Training Provider List (ETPL) will increase by at least 5 percent over the next program year.

Through this waiver, in school youth have the potential to obtain dual credit for both secondary and post-secondary course completion that will help improve Montana’s performance by obtaining credentials, measurable skills gains, and ultimately employment and wage gains.

Additionally, measurable goals to achieve regardless of the waiver approval include exceeding the WIOA Youth Program Expected and Negotiated Levels of Performance. For the 2023 Program year those are highlighted below:

	TITLE I – YOUTH PROGRAM			
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EMPLOYMENT (FOURTH QUARTER AFTER EXIT)	55.0%	55.0%	55.0%	55.0%
MEDIAN EARNINGS (SECOND QUARTER AFTER EXIT)	\$3,200	\$3,200	\$3,200	\$3,200

CREDENTIAL ATTAINMENT RATE	45.0%	50.0%	45.0%	50.0%
MEASURABLE SKILL GAINS	45.0%	50.0%	45.0%	50.0%

WIOA Title I Youth providers have strong relationships with education systems within the district it serves. These relationships are critical as educators, principals, superintendents, and career and guidance counselors have established relationships with students and help caseworkers both target out-of-school youth and help participants transition back into education systems as appropriate. The State of Montana continually works toward a strong and equitable youth program. However, our sparse population centers, distance to obtain services, and variation of professional opportunities available have made obtaining WIOA Youth Program performance indicators difficult.

Waiver Goals and Outcomes

Goal: Provide more support to an increased number of in-School Youth

The flexibility of the ISY Waiver would allow WIOA Youth providers to enroll more ISY clients without considering the 25% limitations on funding that is in place now.

Enrolling more clients who are attending high school gives the ISY improved chances of planning or reaching their career or educational goals. Oftentimes, ISY are choosing to not establish an educational or employment goal due to the lack of financial support available to them.

Funding flexibility will also allow for continued support to clients post-high school or for those currently attending post-secondary education or skills trainings. This includes costs that may be incurred beyond what PELL or other educational grants/scholarships may provide.

Approval of this waiver will allow WIOA youth providers:

- to provide additional services such as Work Experiences, Supportive Services and Skills Training that would better prepare clients for entering the workforce upon completion of secondary school;
- to provide support for clients already enrolled in post-secondary schooling or skills training by helping with training costs, tuition, books etc., and supportive services to aide in completion of their planned training;
- allow for support in assisting clients with transitioning to post-secondary training and or skills training while still attending high school to get a running start on their educational plan or to assist with employment opportunities upon completion of high school;

- to provide more assistance with job training, skills training and supportive services that will benefit clients that are in need and have no other resources available to them. Montana is seeing an increased need for assistance from potential clients that are struggling with finding a job and need assistance with basic needs such as rent, gas money, clothing for school/work or educational costs.

Goal: Improved flexibility of state, local and statewide activities funding to best meet the needs of our citizens and businesses.

Expected Outcome: Approval of this waiver will allow the opportunity to provide more in-school youth with innovative strategies to address barriers facing at-risk youth on an individualized basis and encourage innovative strategies to address student retention, engagement, transition, and successful outcomes.

Provide greater opportunity for more youth to complete high school and continue on a pathway toward multiple career and educational opportunities, including apprenticeship programs, short-term certificates, associate or **bachelor's** degrees, and sustainable employment.

The WIOA encourages strong partnerships to leverage resources and increase opportunities for youth. In the past year, Montana has appointed a Director of Strategic Engagement at the Montana Department of Labor & Industry and a Montana Ready Coordinator at the Montana Office of Public Instruction to better align education and workforce to encourage employer specific workforce pipelines. Additionally, input and implementation will be in coordination with the state's education system, including the Montana University System. The focus is to connect applicable state and local agency efforts in an effort to assist youth, including at-risk youth, in leveraging resources and aligning successful program models that lead to student persistence, retention, completion, career awareness, and employment opportunities.

6. Individuals, groups, or populations benefiting, or otherwise impacted by the waiver, or from the waiver.

Montana's low-income, at-risk youth, and young adult population, and subcontracted WIOA youth service provider staff, workforce development partners, American Job Centers (AJC), , parents, teachers, and school counselors and Montana employers/business/industry will benefit from the waiver, if approved.

7. How the state plans to monitor waiver implementation, including collection of measurable waiver outcome information.

- A formal monitoring will be conducted by the entity designated by the SWIB.
- WSD's Fiscal and Reporting Analysts will collect, analyze, and provide quarterly data and expenditure reports on the status of WIOA youth expenditures. The WIOA Title I youth

program manager will examine the effectiveness of this waiver through quarterly desk reviews and provide technical assistance to case managers as needed.

- Service providers will be monitored to verify eligibility for the Youth program.
- Guidance on the program’s eligibility, the application, and related timeliness for reporting participant information is available in the [WIOA Operations Manual](#).

Notice to Local Boards and Public Comment

- Montana issued the waiver request for Public Comment from February 10, 2023 – March 10, 2023.

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