

U.S. Department of Labor

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



September 28, 2023

The Honorable Laura Kelly
Governor of Kansas
300 SW 10th Ave.
Suite 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 August 18, 2023. 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's authority to the requirements of WIOA Section 129(a)(4) and its corresponding section 20 CFR 681.410 which requires that the state and local area expend at least 75 percent of youth funds to provide services to out of school youth.

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.

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 out-of-school youth. ETA reviewed the State's waiver request and plan and has determined that the requirements requested to be waived may offer more flexibility for Kansas to implement its plan to improve its programmatic outcomes. With the approval of this waiver, ETA anticipates that Kansas will offer work-based learning opportunities to a broad range of the youth and expect the performance outcomes to remain steady or increase for both in-school and out-of-school youth.

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,

A handwritten signature in black ink, appearing to read "Brent Parton".

Brent Parton
Principal Deputy Assistant Secretary

Enclosures

cc: Michael Beene, Employment Services Director, Kansas Department of Commerce
Pam Gerassimides, Region 5 (Chicago) Administrator, Employment and Training
Administration.
Barbara Gibson, Federal Project Officer, Employment and Training Administration

Workforce Innovation and Opportunity Act Waiver Request

Date: August 18, 2023

State: Kansas

Agency: Department of Commerce

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

The State of Kansas is requesting a waiver from the Workforce Innovation and Opportunity Act (WIOA) Section 129(a)(4)(A) and the corresponding regulation at 20 CFR 681.410 which requires that at least 75 percent of WIOA youth funds be spent on “out-of-school youth.”

Kansas would like to be able to spend up to 50% of WIOA youth funds on in-school-youth, while still spending a minimum of 50% on out-of-school youth. This flexibility will give our local area youth programs an opportunity to deepen their partnership with Jobs for America’s Graduates - Kansas (JAG-K) as well as develop more work-based learning opportunities, such as paid work experiences, for youth between 14 and 18 years of age. Serving JAG-K students will be a priority for using this waiver.

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

Currently, no State or local statutory or regulatory barriers exist that would prevent the implementation of this waiver.

A description of the state’s strategic goal(s):

The vision of the KANSASWORKS State Board is that the Kansas workforce system will be the national leader in meeting business talent needs, growing the economy and providing access to quality careers for every Kansas through integrated service delivery. The mission is to deliver a qualified workforce through training and matching services available to Kansas supporting businesses, growing regional economies and improving the prosperity of all.

Three goals of the KANSASWORKS State Board are:

1. Advance a “One KANSASWORKS” experience by:
 - a. Leading efforts to enhance, coordinate and standardize state and local workforce system websites and tools with an emphasis on a consistent experience across the state.
 - b. Developing and providing guidance to the state and local workforce system outlining an approach for strategic business engagements.
 - c. Coordinating with state and local partners to assess and improve virtual and in-person service delivery and communication and outreach.
2. Coordinate communication and outreach effort between state and local partners by:
 - a. Researching, synthesizing and disseminating current practices, promising approaches and challenges related to virtual workforce service delivery in Kansas and across the country.

- b. Leading efforts to develop workforce system partner staff and customer (job seeker and employer) skills and capacity to engage in virtual service delivery and remote work opportunities.
 3. Establish coordinated workforce planning, investments, and operations, aligned to build relevant knowledge, skills and abilities to meet industry needs in order to attract and retain people in our state by:
 - a. Establishing and implementing a plan to ensure consistent access to accurate, up-to-date labor market information (LMI), and analysis of LMI, that is comprehensive, simple, graphical, and designated for use by multiple audiences statewide.
 - b. Expanding understanding of and access to career pathways to support upskilling opportunities using work-based learning and other types of training.

Approval of this waiver will help the State of Kansas with Goal #3 by supporting opportunities to use work-based learning to a broader youth population.

A discussion of how the waiver complements Department of Labor priorities (i.e. expansion of apprenticeship, improved employer engagement, etc.):

DOL has launched a Youth Employment Works Strategy to help ensure there is a "no wrong door" approach for young people to access good jobs and opportunities. The priorities for youth workforce development include job quality as highlighted in the Good Jobs Initiative and TEGL 07-22. Creating Quality Work Experiences for youth ages 14-24 is highlighted in the priorities as youth begin to enter adulthood and make decisions about how to continue their education or enter the workforce. Having more In-School-Youth complete quality work experiences will help youth make those critical decisions about their education and their career.

The DOL youth priorities also say that the workforce system must play a key role in addressing the youth mental health crisis. The deeper connections Kansas will make with JAG will be pivotal in helping In-School-Youth get the mental health resources they need.

The DOL Priorities for Youth Workforce Development can be found here:
<https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2009-22/Attachment%20I.pdf>

Quantifiable projected programmatic outcomes resulting from implementation of the waiver:

Over the past three Youth Program years, there has been a decline in youth participants, a decline in youth aged 16-18 served, and a decline in work experiences. Kansas has only had one youth enrollment under 16 over the past three years:

	Program Year		
	2019	2020	2021
Youth Participants Served	637	475	458
16-18 Served	321	228	206
Under 16 Served	1	0	0
Work Experiences	364	245	227

If this waiver request is approved, Kansas expects there to be a minimum of a 10% increase to youth program enrollments over the next 2 program years. Kansas also expects there to be increased services to youth aged 16-18, and an increase to work experiences. Kansas also expects that other WIOA Youth program outcomes will remain steady or slightly improve over those same 2 years.

Individuals, groups, or populations benefitting, or otherwise impacted by the waiver from the waiver;

Kansas will leverage existing and future relationships with the JAG-K chapters, and students participating in JAG-K programming will be the target population served under this waiver. The 14–18-year-olds that are in-school and in need of workforce services would benefit most from this waiver. By introducing more 14–18-year-olds to a quality work experience, this age group will be on a career pathway which will also benefit Kansas businesses, and help retain Kansas workers within the State, which is a gubernatorial priority.

JAG-K is an organization that prepares students for successful futures. JAG-K’s goal is to help students facing various barriers to success, overcome those barriers, graduate from high school, and get on a successful career path.

JAG-K is an in-school, elective class that is taught by a trained JAG-K Career Specialist. This Career Specialist provides individual and group instruction to 35-45 students in the classroom. The Career Specialist teaches JAG-K students employability skills, career and leadership development skills and helps with academic remediation.

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

Kansas will continuously monitor youth enrollments every quarter expecting to see increases from each local area. Likewise, Kansas will also monitor youth ages 14-18 who are being served and the number of work experiences that are provided each quarter, also expecting to see increases from each local area. Kansas will also monitor the other WIOA Youth program outcomes to ensure they are remaining steady or improving slightly.

Assurance of state posting of the request for public comment (including the dates that the state made the draft request available for public comment) and notification to affected local workforce development boards.

This waiver request was posted to the Kansas Works State Board website during the dates of July 20, 2023 through August 4, 2023. Notices were sent out to all five local areas in Kansas. There were no public comments received during this timeframe regarding this waiver request.