

ATTACHMENT C

WORKFORCE INNOVATION AND OPPORTUNITY ACT

<http://www.doleta.gov/WIOA/> and <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>

Selected Sections of the Workforce Innovation and Opportunities Act Relevant to the Operation of Youth Programs

WIOA Section 129(a) Youth Participant Eligibility

... an individual shall, at the time the eligibility determination is made, be an out-of-school youth or an in-school youth. (Section 129(a)(1)(A))

(B)... The term “out-of-school youth” means an individual who is:

- (i) not attending any school (as defined under state law);
- (ii) not younger than age 16 or older than age 24; and
- (iii) one of more of the following:
 - (I) a school dropout,
 - (II) a youth who is within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter.
 - (III) A recipient of a secondary school diploma or its recognized equivalent who is a low income individual and is –
 - (aa) basic skills deficient; or
 - (bb) and English language learner.
 - (IV) an individual who is subject to the juvenile or adult justice system.
 - (V) A homeless individual as defined in section 41403(6) of the Violence Against Women Act of 1994..., a homeless child or youth (as defined in section 725(2) of the McKinney – Vento Homeless Assistance Act..., a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under section 477 of the Social Security Act, or an out of home placement.
 - (VI) An individual who is pregnant or parenting.
 - (VII) A youth who is an individual with a disability.
 - (VIII) A low income individual who requires assistance to enter or complete an educational program or to secure or hold employment.

(C)... The term “in-school youth” means an individual who is—

- (i) attending school (as defined by State law);
- (ii) not younger than age 14 or (unless an individual with a disability is attending school under state law) older than age 21;
- (iii) a low-income individual; and
- (iv) one or more of the following:
 - (I) basic skills deficient.
 - (II) an English language learner.
 - (III) an offender.
 - (IV) A homeless individual as defined in section 41403(6) of the Violence Against Women Act of 1994..., a homeless child or youth (as defined in section 725(2) of the McKinney – Vento Homeless Assistance Act..., a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under section 477 of the Social Security Act, or an out of home placement.
 - (V) Pregnant or parenting.
 - (VI) A youth who is an individual with a disability.
 - (VII) An individual who requires additional assistance complete an educational program or to secure or hold employment.

WIOA - Section 3, (36) LOW-INCOME INDIVIDUAL

- (A) in general – the term “low-income individual” means an individual who –
- (i) receives, or in the past six months has received, or is a member of a family that is receiving, or in the past six months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008... the program of block grants to states for temporary assistance for needy families program under part A of title IV of the Social Security Act..., or the supplemental security income program established under title XVI of the Social Security Act..., or State or local income based public assistance.
 - (ii) is in a family with a total family income that does not exceed the higher of –
 - (I) the poverty line: or
 - (II) 70% of the lower living standard income level;
 - (iii) A homeless individual as defined in section 41403(6) of the Violence Against Women Act of 1994..., a homeless child or youth (as defined in section 725(2) of the McKinney – Vento Homeless Assistance Act...,
 - (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act...
 - (v) Is a foster child on behalf of whom State or local government payments are made; or
 - (vi) is an individual with a disability is on income meets the income requirements of clause (ii), but who is a member of a family whose income does not meet this requirement.

WIOA Section 129(c) Local Elements and Requirements (This section is not quoted from the Act)

In accordance with the Workforce Innovation and Opportunity Act of 2014 and its regulations the Mountain Area Workforce Development Board, an agency of Land-of-Sky Regional Council, seeks to fund programs to serve eligible “out-of-school youth” residing in the Mountain Local Area by providing:

- objective assessments of academic skill levels, technical or occupational skill levels, and the service needs of each participant...; (Section 129(c)(1)(A))
- service strategies for each participant that are linked to one or more of the indicators of performance and that shall identify career pathways, education and employment goals (and as appropriate nontraditional employment), appropriate achievement objectives and appropriate services taking into account the assessments previously conducted, (Section 129(c)(1)(B));

Indicators of Performance

- o The percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit; (Sec. 116(b)(2)(A)(ii)(I))
 - o The percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit; (Sec. 116(b)(2)(A)(ii)(II))
 - o The median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program; (Sec.116(b)(2)(A)(i)(III))
 - o The percentage of program participants who obtain a recognized postsecondary credential, or a secondary school diploma or its recognized equivalent, during participation in or one year after exit from the program; (Sec.116(b)(2)(A)(i)(IV))
 - o The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such credential or employment; (Sec.116(b)(2)(A)(i)(V));
- activities leading to the attainment of a secondary school diploma or its recognized equivalent, or a recognized postsecondary credential;
 - preparation for postsecondary educational and training opportunities;
 - strong linkages between academic instruction and occupational education that lead to the attainment of recognized postsecondary credentials;
 - preparation for unsubsidized employment opportunities in appropriate cases;
 - effective connections with employers in in-demand industry sectors and occupations. (Section 129(c)(1)(C))

WIOA Section 129(c)(2) - Program Elements (This section is not quoted from the Act)

In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, youth program shall provide elements consisting of:

- A- tutoring, study skills training, and instruction, and evidence-based dropout prevention and recovery strategies that lead to the completion of requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
- B- alternative secondary school services, or dropout recovery services as appropriate;
- C- paid and unpaid work experiences that have as a component academic and occupational education, which may include –
 - 1. summer employment opportunities and other employment opportunities available throughout the school year;
 - 2. pre-apprenticeship programs;
 - 3. internships and job shadowing; and
 - 4. on-the-job training opportunities;
- D- occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupations in the local area...;
- E- Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- F- leadership development opportunities, which may include community service and peer centered activities encouraging responsibility and other positive social and civic behaviors as appropriate;
- G- supportive services;
- H- adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
- I- follow-up services for not less than 12 months after the completion of participation as appropriate;
- J- comprehensive guidance and counseling which may include drug and alcohol abuse counseling and referral as appropriate;
- K- financial literacy education;
- L- entrepreneurial skills training;
- M- 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; and
- N- activities that help youth prepare for an transition to postsecondary education and training.

Note: Program providers are not required to provide each “element” listed above to each client. To the extent practical these elements should be provided, as appropriate, to youth participants while helping them achieve their identified skill development objectives and career goals. Many of these elements can be provided by other organizations in the community without cost to the program.

WIOA Section 129(c)(3) – Additional Requirements

- A- Each local board shall ensure that each participant shall be provided:
 - 1. information on the full array of services that are available through the local board or other eligible providers or one-stop partners....
 - 2. Referral to appropriate training and educational programs that have the capacity to serve the participant either on a sequential or concurrent basis.
- B- Providers of youth workforce investment activities shall ensure that applicants who cannot be served shall be referred to appropriate programs to meet their basic skills and training needs.
- C- The local board shall ensure that parents, participants and other members of the community with experience providing youth services are involved in the design and implementation of the programs.

WIOA - Section 116 – Performance Accountability System

Sec. 116(b)(2)(A)(ii) Primary Indicators for Eligible Youth – the primary indicators of performance for the youth program authorized under Chapter 2 Subtitle B shall consist of –

- (I) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program;
- (II) the percentage of program participants who are in education or training activities, or in unsubsidized employment, during the fourth quarter after exit from the program; and
- (III) the primary indicators of performance described in subclauses (III) through (VI) of subparagraph (A)(i).

Sec. 116(b)(2)(A)(i)

- (III) the median earnings of program participants who are in unsubsidized employment during the second quarter after exit from the program;
- (IV) the percentage of program participants who obtain a recognized postsecondary credential or a secondary school diploma or its recognized equivalent (subject to clause (iii)), during participation in or within one year after exit from the program;
- (V) the percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
- (VI) the indicators of effectiveness in serving employers established pursuant to clause (iv).
(see below - Sec. 116(b)(2)(A)(iv))

Sec. 116(b)(2)(A)(iii) - Indicator Relating to Credential. – For purposes of clause (i) (IV), or clause (ii) (III) with respect to clause (i) (IV), program participants who obtain a secondary school diploma or its recognized equivalent shall be included in the percentage counted as meeting the criterion under such clause only if such participants, in addition to obtaining such diploma or its recognized equivalent, have obtained or retain employment or are in an education or training program leading to a recognized postsecondary credential within 1 year after exit from the program.

Sec. 116(b)(2)(A)(iv) – Indicator for Services to Employers.- Prior to the commencement of the second full year after the date of enactment of this Act, for purposes of clause (i)(IV), or clause (ii)(III) with respect to clause (i)(VI), the Secretary of Labor and the Secretary of Education, after consultation with representatives described in paragraph (4)(B), shall jointly develop and establish, for purposes of this subparagraph, one or more primary indicators of performance that indicate the effectiveness of the core programs in serving employers.

Sec. 116(b)(2)(B) Additional Indicators. - A State may identify and the State plan additional performance accountability measures.