



YouthBuild

Workforce Innovation and Opportunity Act Frequently Asked Questions

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• General Information

Where can I find information about the Workforce Innovation and Opportunity Act (WIOA), such as the actual legislation?

WIOA legislation is available at <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>. Legislation specifically related to the YouthBuild program can be found in Section 171.

WIOA-related guidance and resources are available at <http://www.doleta.gov/wioa/>

WIOA technical assistance resources are available at <https://ion.workforcegps.org/>

WIOA DOL Only Final Rule: <https://doleta.gov/WIOA/Docs/wioa-regs-labor-final-rule.pdf>

WIOA Performance Reporting Information:

https://www.doleta.gov/performance/reporting/eta_default.cfm

Which section of WIOA applies to YouthBuild?

Section 171 of WIOA refers to YouthBuild. Please note that while there are various references to youth-serving programs throughout WIOA, Section 171 provides specific legislation for YouthBuild and supersedes non-YouthBuild youth-related guidance provided in other sections of the legislation.

• Implementation

As a recipient of a 2015 award, what changes does WIOA have on my program operations?

The Workforce Innovation and Opportunity Act (WIOA) passed into law on July 22, 2014. WIOA enactment is a phased process. WIOA legislation became effective for the workforce system on July 1, 2015. Beginning with the PY 2015 grantees, all YouthBuild grants will now operate under WIOA legislation. New performance measures, as legislated under WIOA, will become effective on July 1, 2016, and will not impact YouthBuild grantees until the PY 2016 YouthBuild grants are awarded. Grant awards prior to PY 2015 are grandfathered in under the Workforce Investment Act for these earlier grants.

Does WIOA impact existing guidance previously provided to YouthBuild programs?

Yes. While much of how the YouthBuild program operates is the same, any guidance from WIOA supersedes previous legislation for 2015 grantees and thereafter. The WIOA Final Rule regulations supplant the previous YouthBuild Final Rule for all grants. Please note that the Department continues to develop additional guidance as needed to assist grantees with the transition and implementation of WIOA.

• Eligibility

Are there provisions within WIOA that would affect the current enrollment model?

WIOA allows youth who were previously high school dropouts but have since re-enrolled in education to be enrolled in the YouthBuild program. Previously, only current dropouts were eligible but WIOA has broadly defined out-of-school youth to include those that have left compulsory education and may or may not be enrolled in alternative education/adult education programs.

Do YouthBuild participants qualify as out-of-school youth for WIOA youth formula eligibility?

In general, the applicable State law for secondary and postsecondary institutions defines “school.” However, for purposes of WIOA, the Department does not consider providers of adult education under YouthBuild programs to be schools. Therefore, in all cases except the one provided below, WIOA youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attends adult education provided under YouthBuild, regardless of the funding source of those programs. However, youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception; they are considered ISY even if such education is provided through a YouthBuild program. See additional information in Section 681.230 of the WIOA DOL Only Final Rule, available at:

<https://www.doleta.gov/wioa/Docs/wioa-regs-labor-final-rule.pdf>.

Do YouthBuild participants qualify for co-enrollment with the WIOA youth formula programs?

As mentioned previously, the Department does not consider YouthBuild programs to be schools, except where the YouthBuild program's education component is funded by the public K-12 school system. However, please keep in mind, the applicable State law for secondary and postsecondary institutions generally defines "school."

Additionally, note that for the WIOA youth formula program, there are three eligibility conditions that must be met in order to be considered an OSY. The first is the determination of school status and confirming the youth is "not attending any school," as described above.

In order for youth to be determined OSY, the second condition is the age criterion. An OSY WIOA youth formula participant must be not younger than 16 or older than age 24 at time of enrollment.

The third condition for OSY is that the youth must meet one or more of the following:

- (1) A school dropout (NOTE: At least 75% of YouthBuild participants fall in this category);
- (2) 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. School year calendar quarter is based on how a local school district defines its school year quarters;
- (3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner (this is one of two exceptions allowable for up to 25% of a YouthBuild program's enrollments);
- (4) An individual who is subject to the juvenile or adult justice system;
- (5) A homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;
- (6) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- (7) An individual who is pregnant or parenting;
- (8) An individual with a disability;
- (9) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment (See Section 681.250 of the WIOA DOL Only Final Rule).

Please note that only two of the above criteria (3 and 8) require low-income status. While we believe that almost all YouthBuild students would meet at least one requirement under the third condition, there is a slim chance someone would not meet this portion of WIOA youth formula eligibility.

(continued)

For youth who are determined to be ISY, there are four conditions of eligibility:

(1) Attending school (as defined by State law), including secondary and postsecondary school (please note that YouthBuild participants who are in an education component funded by the public K-12 school system are considered in-school youth).

(2) Not younger than age 14 or older than age 21 (unless an individual with a disability who is attending school under State law) at time of enrollment.

(3) A low-income individual.

(4) One or more of the following:

(a) Basic skills deficient;

(b) An English language learner;

(c) An offender;

(d) A homeless individual aged 14 to 21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;

(e) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;

(f) An individual who is pregnant or parenting;

(g) An individual with a disability;

(h) An individual who requires additional assistance to complete an educational program or to secure or hold employment (see Section 681.250 of the WIOA DOL Only Final Rule).

Under the WIA regulations, the sequential services strategy did not allow our program to enroll youth that had dropped out of school but had since re-enrolled because we are not a YouthBuild Charter School. Have the WIOA regulations changed any of the sequential service strategy requirements?

Yes, with the passage of WIOA, TEGL 11-09, and all related changes, is rescinded. Under WIOA, YouthBuild eligibility is broadly expanded and removes the sequential service strategy provision. Eligibility requirements are defined by the following (the addition to eligibility under WIOA has been bolded for emphasis);

(1) ELIGIBLE PARTICIPANTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an individual may participate in a YouthBuild program only if such individual is—

- (i) not less than age 16 and not more than age 24, on the date of enrollment;
- (ii) a member of a low-income family, a youth in foster care (including youth aging out of foster care), a youth offender, a youth who is an individual with a disability, a child of incarcerated parents, or a migrant youth; and
- (iii) a school dropout, or an individual who was a school dropout and has subsequently reenrolled.

(B) EXCEPTION FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS.—Not more than 25 percent of the participants in such program may be individuals who do not meet the requirements of clause (ii) or (iii) of subparagraph (A), but who—

- (i) are basic skills deficient, despite attainment of a secondary school diploma or its recognized equivalent (including recognized certificates of attendance or similar documents for individuals with disabilities); or
- (ii) have been referred by a local secondary school for participation in a YouthBuild program leading to the attainment of a secondary school diploma.

For other youth-serving programs under WIOA, allowable documentation for verifying students as low income have changed. These changes include the addition of two new low-income categories: (1) the participant receives or is eligible to receive free or reduced-price lunch, and (2) the participant is living in a high-poverty area. Will this expanded definition of low-income eligibility be used for YouthBuild programs as well?

No, per Section 171 of WIOA, YouthBuild defines low-income eligibility through the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) section 3(b)(2) definition of “low-income families.” Per section 3(b)(2) of the U.S. Housing Act, a low-income family is defined below:

The term “low-income families” means those families whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary’s findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

This is the same definition of low-income family that YouthBuild used under WIA so there is no change to this definition under WIOA.

• Programming

Are there any changes to the program model?

Yes, WIOA adds a fifth key element focusing on green energy to YouthBuild programs which is described in the Act as:

To improve the quality and energy efficiency of community and other non-profit and public facilities, including those that are used to serve homeless and low-income families.

• Fiscal

Are there any changes in WIOA that relate to YouthBuild program fiscal policy?

Yes, the maximum percentage of funds that may be used for supervision and training of participants as it relates to the rehabilitation of community and/or other public use facilities has increased from 10 percent to 15 percent. In addition, there is now a reduction of the allowable administrative cost ceiling from 15 percent to 10 percent. In addition, the use of YouthBuild grant funds for training in other in-demand occupations, as approved by the Secretary, is now codified through the legislation.

Does the 15 percent limit on funds that can be used for community or other public use facilities include the match funds or is it limited to the grant funds?

The 15 percent limit on funds that can be used for community or other public use facilities is limited to grant funds. This means that grantees cannot spend more money out of match funds to increase the total amount that may be spent on community or other public use facilities.

• Performance Measures

Are there any changes in regard to measuring the performance of YouthBuild programs?

Yes, WIOA includes a requirement for six new performance measures. These new measures are:

- (1) Placement in Employment/Education/Training (2nd Qtr)** - The percentage of program participants who are in education or training activities or unsubsidized employment during the second quarter after exit from the program;
- (2) Placement in Employment/Education/Training (4th Qtr)** –The percentage of program participants who are in education or training activities or unsubsidized employment during the fourth quarter after exit from the program;
- (3) Median Earnings** –The median earnings for participants who are in unsubsidized employment during the second quarter after exit;
- (4) Post-Secondary Degree/Credential Attainment** –The percentage of program participants who attain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent, during participation in or within 1 year after exit from the program. For those who attain a secondary school diploma or its equivalent, they must also have obtained or retained employment or be in an education or training program that leads to a recognized post-secondary credential within one year of exit from the program;
- (5) Measureable Skill Gains** - The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized post-secondary credential or employment and who are achieving measurable skill gains toward such a credential or employment; and
- (6) Employer Measure** – One or more indicator of satisfaction in serving employers, to be developed in separate guidance.

Where can we find information about the new performance measures and how can we start preparing now for implementing them?

The Department recommends reviewing Part 677 of the WIOA Joint Final Rule, “Performance Accountability Under Title I of the Workforce Innovation and Opportunity Act,” to understand the six new common measures and how they are being implemented. The Department of Labor has issued a Participant Individual Record Layout (PIRL) that includes all required data elements that programs must collect to meet the reporting burden for these new measures. The Department also developed information on the technical specifications for how the performance measures will be calculated. These resources and others can be found at: https://www.doleta.gov/performance/reporting/eta_default.cfm. These resources should help grantees to understand what is necessary for data collection and reporting purposes under the WIOA performance accountability requirements. Additional guidance regarding specific YouthBuild data reporting will be provided to PY 2016 YouthBuild grantees after grant award.

• Evaluation

Where can I access evaluation findings to support evidence-based implementation of the Workforce Innovation and Opportunity Act (WIOA)?

The Department of Labor's Employment and Training Administration supports a web-based platform for peer sharing and resources, called WorkforceGPS. This platform contains many topic-specific Communities of Practice, including ION (<https://ion.workforcegps.org/>), the Innovation and Opportunity Network peer-learning web site. Additionally, Workforce GPS's Workforce System Strategies resource (<https://www.workforcegps.org/wss>) serves as a starting point for research-based information about workforce investment strategies. All resources posted meet the following criteria: 1) They are a third-party evaluation, performance report, or strategy brief such as a peer-affirmed model (see Methodologies); 2) They have a primary focus on one or more workforce development topics in the list of ETA's search terms (see Search Terms Overview); 3) They provide insights relevant to decisions typically made at the state or local level of the workforce system; and 4) They are published, generally, within the last five years except for experimental or quasi-experimental (Level 1) studies which are included for the last ten years and sometimes more. In addition, we encourage you to read the recent Department of Labor report, "What Works in Job Training: a Synthesis of the Evidence" available at <http://www.dol.gov/asp/evaluation/jdt/>.

• One-Stop System Partnership

Why is it required that YouthBuild programs partner with a One-Stop Center?

WIOA seeks to deliver a broad array of integrated services to individuals seeking jobs and skills training, as well as provide employers seeking skilled workers a centralized system through which both goals can be easily attained. By more closely aligning the support services offered through the nearly 2,500 One-Stop Centers, WIOA will help regional economies to prevent duplication of services and focus in on the local economy's particular needs for employment.

One-Stop customers will have access to a seamless system of high-quality services through coordination of programs, services and governance structures. The Act builds closer ties among key workforce partners in business, workforce investment boards, labor unions, community colleges, non-profit organizations, youth-serving organizations, and State and local officials to strive for a more job-driven approach to training and skills development.

How can partnering with One-Stops help YouthBuild programs?

Partnering with One Stop Centers provides an opportunity for YouthBuild grantees to increase the number of eligible applicants, have greater access to local employers, and develop the ability to directly access information regarding changes to local workforce needs and respond with program changes accordingly.

How are One-Stop partner program contributions to the infrastructure costs determined?

The Joint Final Rule for WIOA addresses partner program contributions for infrastructure costs in section 678.715. The legislation states that the determination of partner program costs will be based on each program's proportionate use of the system consistent with chapter II of title 2, Code of Federal Regulations (or any corresponding similar regulation or ruling). Part 678 of the WIOA Joint Final Rule describes all aspects of the process to determine the partner program share of infrastructure costs. This includes what costs are included in infrastructure, how the proportionate cost is determined, and how a lack of consensus of the proportionate share is resolved. YouthBuild grantees should review Part 678 carefully to understand their obligations as required One-Stop partner programs. The WIOA Joint Final Rule can be found here: <https://www.doleta.gov/wioa/Docs/wioa-regs-joint-final-rule.pdf>.

• Apprenticeship

Does a YouthBuild Program qualify as a pre-apprenticeship?

Yes, WIOA clarifies that YouthBuild is a pre-apprenticeship pathway program for Registered Apprenticeship. The WIOA DOL Only Final Rule defines pre-apprenticeship as “a program designed to prepare individuals to enter and succeed in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat.664, chapter 663; 29 U.S.C. 50 et seq.) (referred to in this part as a “registered apprenticeship” or “registered apprenticeship program”) and includes the following elements:

- (1) Training and curriculum that aligns with the skill needs of employers in the economy of the State or region involved;
- (2) Access to educational and career counseling and other supportive services, directly or indirectly;
- (3) Hands-on, meaningful learning activities that are connected to education and training activities, such as exploring career options, and understanding how the skills acquired through coursework can be applied toward a future career;
- (4) Opportunities to attain at least one industry-recognized credential; and
- (5) A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program.

• Construction Plus

Will the Construction Plus program component continue under WIOA?

Yes, WIOA codifies Construction Plus as an approved category of training.

• Youth Committees

How does the Youth Councils realignment in WIOA affect YouthBuild programs?

WIOA no longer requires Youth Councils as part of local areas' program design; however, Local Boards are encouraged to designate a standing Youth Committee, including an existing Youth Council, to contribute a critical youth voice and perspective. YouthBuild programs have the opportunity to contact Local Boards and inquire about participation on Youth Committees, where they exist. America's Service Locator can help you connect to workforce resources in your area, including finding contacts for the Local Workforce Development Boards. Please go to <http://www.servicelocator.org/aslprograms.asp?prgcat=1>. For additional information on Youth Committees, please see Part 681 of the WIOA DOL Only Final Rule: <https://www.doleta.gov/wioa/Docs/wioa-regs-labor-final-rule.pdf>

• Additional Opportunities WIOA Offers YouthBuild Programs

What are additional opportunities that WIOA has created for YouthBuild programs?

1. WIOA provides a greater emphasis on creating a pathway for YouthBuild participants to enter a Registered Apprenticeship. More resources regarding Registered Apprenticeships can be found at <http://www.dol.gov/apprenticeship/>.
2. WIOA offers a greater emphasis on career pathways. By focusing on the needs of the workforce in conjunction with employer needs, WIOA provides an efficient means of assessing local employment skills gaps. In turn, workforce training providers have the opportunity develop curriculum that best suits the needs of the market and prepare job seekers with the best opportunity for high wage job placement. A link to the career pathways toolkit can be found at <http://www.workforceinfodb.org/PDF/CareerPathwaysToolkit2011.pdf>.
3. WIOA has a greater focus on out-of-school youth ages 16-24. Since the YouthBuild program has always had a focus on out of school youth, there is a greater opportunity for YouthBuild programs to expand their programs through partnering with organizations that may have focused on a different population.
4. WIOA makes partnerships across Federal Departments a priority. As Federal Departments partner to solve issues, there is a greater opportunity to focus resources on vocational education and create larger impact to the field. It also provides improved continuity of services and consistent guidance/context/definitions across departments.

• Out-of-School Youth and School Dropout Definitions

What is the definition of an out-of-school youth?

Under WIOA, an out-of-school youth is an individual who is:

- (a) Not attending any school (as defined under State law);
- (b) Not younger than 16 or older than 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
- (c) One or more of the following:
 - 1) A school dropout;
 - 2) 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. School year calendar quarter is based on how a local school district defines its school year quarters.
 - 3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
 - 4) An individual who is subject to the juvenile or adult justice system;
 - 5) A homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;
 - 6) An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - 7) An individual who is pregnant or parenting;
 - 8) An individual with a disability;
 - 9) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA Sections 3(46) and 129(a)(1)(B).)

Further, as it relates to defining which youth are considered out-of-school youth, the Department does not consider providers of YouthBuild to be “schools.” Therefore, WIOA youth programs may consider a youth to be out-of-school (OSY) for purposes of WIOA youth program eligibility if they are attending YouthBuild.

How is a school dropout defined under WIOA?

The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

• WIOA Youth Program Elements

What are the WIOA Youth Formula program elements and how do they relate to YouthBuild?

WIOA includes 14 program elements for Youth. These 14 elements are the required services that WIOA youth formula-funded programs must offer to the youth they serve. These elements are:

1. tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the 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;
2. alternative secondary school services, or dropout recovery services, as appropriate;
3. paid and unpaid work experiences that have as a component academic and occupational education, which may include summer employment opportunities and other employment opportunities available throughout the school year, pre-apprenticeship programs, internships and job shadowing, and on-the-job training opportunities;
4. 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 involved;
5. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
6. leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. supportive services;
8. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
11. financial literacy;
12. entrepreneurial skills training;
13. services that provide labor market and employment information in the local area; and
14. activities that help youth transition to postsecondary education and training.

While these elements are not specifically required under Section 171 of WIOA for YouthBuild programs, the Department believes that these elements are part of the core services that are necessary to help disconnected youth to transition successfully into post-secondary education, training or employment in a career pathway. YouthBuild programs are encouraged to work with their local One-Stops and WIOA youth program service providers to ensure YouthBuild participants have access to these elements in partnership with the One-Stop. Further information on the 14 program elements can be found in TEGl 23-14, available here:

https://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-14.pdf.