



JUN 29 2018

The Honorable Dannel Malloy
Governor of Connecticut
Office of the Governor
210 Capitol Avenue
Hartford, Connecticut 06106

Dear Governor Malloy:

Thank you for your waiver request of certain statutory and regulatory provisions of the Workforce Innovation and Opportunity Act (WIOA) and the accompanying plan to improve the statewide workforce development system, submitted as part of your WIOA State Plan modification on April 2, 2018 (copy enclosed). This letter provides the Employment and Training Administration's (ETA) official response to the State's request. 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 of 20 CFR 677.150(c)(1)(i) to remove the requirement that youth program participants be exited from the program if 90 days have elapsed since the participant has received services.

The State is requesting a waiver of 20 CFR 677.150(c)(1)(i) that establishes the "exit date is the last date of service" and "the last day of service cannot be determined until at least 90 days have elapsed since the participant last received services." The State indicated that a waiver is necessary because disconnected youth, particularly out-of-school youth, face barriers that result in service interruptions that often surpass 90 days.

Unfortunately, the State's request falls outside of the Secretary's waiver authority, and therefore cannot be approved. WIOA 189(i)(3)(A)(i) prohibits the Secretary from waiving requirements related to the basic purposes of Title I of WIOA which include "[the promotion of] accountability using core indicators of performance measured across all WIOA authorized programs, sanctions, and high quality evaluations to improve the structure and delivery of services through the workforce development system to address and improve the employment and skill needs of workers, job seekers, and employers." See 20 CFR 675.100(f) and 679.610(a)(12). ETA is available to provide technical assistance to the State to help improve service delivery for out-of-school and all disconnected youth, including strategies to ease re-enrollment in the youth program if services are needed after the 90-day exit, and scheduling services for youth beyond the 90-day exit to prevent disconnected youth from exiting.

The Department of Labor has proposed additional flexibility in its Fiscal Year 2019 Budget in order to give governors more flexibility to meet the workforce needs of their states. If Congress passes legislation signed by the President with new legal authority, we will be happy to revisit the areas that cannot currently be waived. If you have questions or wish to explore additional flexibility, feel free to contact my office at (202) 693-2772.

Sincerely,


Rosemary Labasky
Acting Assistant Secretary

Enclosure

cc:

Scott D. Jackson, Commissioner, Connecticut Department of Labor
Tim Martin, Acting ETA Boston Regional Administrator, Employment and Training Administration
Douglas Shvonski, Federal Project Officer, Employment and Training Administration

Connecticut

The State of CT is seeking a waiver from the following Section(s): 20 CFR 677.150 (c)(1)(i) as it pertains to Title I Youth.

Background

Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other Federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school youth (OSY). Title I of WIOA affirms the Department of Labor's (DOL) commitment to providing high-quality services for youth, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training, such as pre-apprenticeships or internships, for in-demand industries and occupations, and culminating with employment, enrollment in postsecondary education, or a Registered Apprenticeship.

Per TEGL 21-16 and 20 CFR 677.150 exit for Youth participants cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services. 20 CFR 681.410 requires that a state and local area expend at least 75 percent of youth funds to provide services to out-of-school youth. As indicated this represents the spirit of the laws focus on helping youth ages 16-21 who are not enrolled in school reconnect with the resources they require to gain self-sufficient employment. It is no coincidence that law and regulations at 20 CFR 681.210 further establishes a series of specific requirements for Out of School participation including: Not attending any school, not younger than 16 or older than 24 at the time of enrollment and with at least one of the following barriers: • A school dropout; • 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. In cases where schools do not use quarters, local programs must use calendar year quarters; • 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; • An offender; • 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; • 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; • An individual who is pregnant or parenting; • An individual with a disability; or • A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

While the law, regulations and TEGL's fail to identify Out of School youth participants as disconnected, the similarities cannot be ignored. According to youth.gov Disconnected youth are often defined as young people ages 14-24 who are homeless, in foster care, involved in the

justice system, or are neither employed nor enrolled in an educational institution. Across the U.S., there are approximately 6.7 million youth that exhibit one or more of the above risk factors and touch multiple systems.² In Connecticut this equates to 45,000 youth who meet this definition. (Dallo Foundation entitled "Untapped Potential") While it is clear the spirit of the legislation strives to assist these individuals, the program exit design fails to take into consideration the issues that disconnected youth face in meeting a 90 day without activity exit. Youth who are disconnected often face barriers that preclude them from meeting this threshold. In many cases disconnected youth are struggling with the most basic issues of well-being including food, shelter, safety, physical and mental health and clothing and as such are unable to successfully complete WIOA programming while they fulfill these basic needs. In October of 2017 Connecticut conducted a Youth Summit to discuss issues in identifying and supporting Out of School Youth with barriers. Included in the conference were workforce development boards, youth providers, state agencies, philanthropic organizations and youth themselves. During this conference attendee's drafted a roadmap forward for better serving disconnected youth including WIOA Out of School participants. It was agreed by all in attendance that having a 90 day exit for youth was not only unrealistic but unintentionally exited participants from programming when they may have needed our support the most.

Actions undertaken to remove state or local barriers

There are currently no state or local statutory or regulatory barriers to implementing the requested waiver. State of Connecticut regulations and policy align with current federal law.

Goals and expected programmatic outcomes of waiver

Waiving the 90 day exit for youth will help to ensure Connecticut provides services to youth participants who are most in need including those who are unable to enter or complete post-secondary education due to the significant barriers they must overcome. As stated in the CT Unified State Plan, in FY 2013-2014 Connecticut Adult Education Programs serves 6,041 students under age 22. Adult Education programs currently target and reach some youth from Connecticut's urban centers, both the majority of recent drop outs are not enrolling in education programs. These young adults face serious barriers to employment when attempting to compete in a labor market demanding viable interpersonal, problem solving and technical skills even at the entry level. Connecticut believes that in waiving the 90 day exit policy for youth it will provide workforce development boards and their providers greater flexibility in recruiting and retaining an up to now unreachable population with significant barriers. Connecticut believes that this fulfills the intent of WIOA law.

Individuals impacted by the waiver Describe which populations the waiver will benefit, including how the waiver will impact services for disadvantaged populations or individuals with multiple barriers to employment.

In School and Out of School Youth who are eligible for WIOA title I services will be impacted including those who have significant barriers as identified in the law.

Process for monitoring progress in implementation Describes the processes used to monitor the progress in implementing the waiver.

Annual WIOA on-site programmatic reviews will include an evaluation of the impact the waivers have on programmatic goals and outcomes.

Additionally, the CTDOL WIOA Administration unit will have the responsibility of ensuring the specific goals and outcomes achieved by the waiver are realized. Furthermore, the information gathered from the waiver will inform new or changes to policy as well as provide best practices. State staff involved with the administration of WIOA and performance reporting will periodically examine the appropriateness and the effectiveness of this waiver. This strategy ensures that the goals described above, as well as those outlined in the State's Unified Plan, are consistent with established objectives of the WIOA and federal and state regulations. Notice to affected local boards Address how local boards affected by the waiver were notified of the request.

Local Boards via Board members and/or Board staff as well as WIOA partners and other interested stakeholders participate in policy development. Additionally, WDB's receive the opportunity to participate in a public comment period. . Monthly meetings are conducted to provide input, guidance and technical assistance to Connecticut's Workforce Development Boards.

Public Comment Provide a description of the proactive solicitation of public comments. At a minimum, post the proposed waiver request to the state's official website for comment. Ideally, develop a targeted outreach strategy to collect input and comment from all affected stakeholders. Submit any comments or concerns collected in this manner and the outcome of the state's review of the public comments received.

In accordance with the WIOA Regulations at 20 CFR 676.135, Connecticut is submitting a modification to its Unified State Plan, which is subject to the requirements outlined in the WIOA Regulations at 20 CFR 676.130(d) for public review and comment. As such, waiver request posted on our website for comment and review by required parties and the public.

Waiver Impact

Collect and report information about waiver outcomes in the State's WIOA Annual Report. The Secretary may require that States provide the most recent data available about the outcomes of the existing waiver in cases where the State seeks renewal of a previously approved waiver. The Connecticut Department of Labor WIOA administration unit will have the responsibility of ensuring the specific goals and outcomes achieved by the waiver are realized. Furthermore, the information gathered from the waiver will inform new or changes to policy as well as provide best practices. Outcomes of the waiver will be reported in the WIOA Annual Report.