

**Recommendations to USDOL on Guidance to States on Implementing Youth
Activities in the Recovery Act
February 25, 2009**

On February 24, 2009 President Obama addressed Congress and the nation on the state of our economy. In his address, President Obama expressed support for “an agenda that begins with jobs,” and the need to “jumpstart job creation.” Youth must be part of this effort. The investment in youth activities for employment and training in the American Recovery and Reinvestment Act of 2009 (ARRA) presents an important opportunity for state and local youth delivery systems nationwide not only in the coming months but in the long term. The National Youth Employment Coalition and the Center for Law and Social Policy have been gathering input from administrators and providers in local workforce systems across the nation as well as our colleague organizations at the national level in an effort to assure that ARRA funds are used in an effective and innovative way to provide jobs, training, and education support to low income youth, especially those who are out of school, unemployed, and residing in the most economically distressed communities. There is a window of opportunity to demonstrate the capacity of local youth systems to implement high quality programming, that is focused on results and to, also, innovate on behalf of older out of school youth.

We commend the U. S. Department of Labor for its responsiveness and openness to input. We recognize the enormous challenge of developing the guidance and funds on the ground as expeditiously as possible in a way that assures high quality implementation. Thus, we understand the need for immediate focus on summer programming since it is already late in the planning cycle for successful implementation of such a large scale endeavor.

However, at least 30% of these funds - \$360 million – must, by law, be spent on out of school youth and Congress through the ARRA expanded the age limit to 24. Often, traditional summer jobs programs are not an appropriate intervention for older out of school youth. As you prepare guidance for state and local WIA administrators, we urge you to concurrently stress that they think innovatively about how these funds will be used to serve the needs of traditionally disconnected youth populations and consider the notion of a summer plus (+) program that leads to longer term engagement in employment, skill development and potential connections to secondary and postsecondary education pathways. This notion is similar to other extended approaches leading to positive outcomes for youth, such as the GED Plus (+) concept.

We, therefore, offer the following for consideration:

1. **Serving Out of School Youth.** There is a need for early guidance to state and local systems emphasizing that the WIA requirement - that at least 30% expenditure of funds must be for out of school youth - does, in fact, apply to the ARRA funding. Surprisingly, some local WIA administrators, who had participated in regional and state level discussions, were unaware of this requirement. Since many local areas are moving quickly on summer planning and issuing Requests for Proposals it is critical that they understand this requirement.

Local areas should be encouraged to build upon and expand the service capacity of existing programs that have been effective in serving out-of-school youth. Federal guidance and interpretations that allow greater flexibility in procurement and in negotiations of performance standards would make it easier for local areas to quickly leverage such partnerships.

- a. There are many effective youth programs that have developed outside of the WIA system, partly because of limitations on WIA resources or challenges related to performance standards.
 - b. Local areas could more quickly extend opportunities to older, out of school youth by increasing the slots and service capacity of existing youth corps programs, or adding internships and work experiences to strong alternative education programs that do not have work components, to literacy programs for youth with low literacy skills, or adding college preparation and bridge programs – including a work component- for youth in intensive GED programs, or adding youth components to existing transitional jobs programs.
2. **Eligibility.** The U.S. General Accountability Office cited eligibility verification as one of the major stumbling blocks to enrolling out of school youth. Recognizing that eligibility requirements are explicit in the law, the question is whether there are less intrusive ways to document eligibility for the ARRA implementation. Some suggestions that have come from the field include:
 - a. Allow cross program eligibility for young people and families who have been determined eligible for other means-tested federal programs that require families or individuals to be low-income, such as the free and reduced lunch program, TANF, automatic eligibility if parent is unemployed and certified eligible to participate in adult WIA services.
 - b. Certifying youth 18 and above as a family of one.
 - c. Clarify that self-certification methods, such as sampling and other methods allowable under JTPA that reduce the documentation burden, are acceptable alternatives to individual documentation.
 - d. Eliminate income eligibility measures for out of school youth.
3. **Procurement.** Flexibility in procurement will be key to the ability of local areas and states to leverage the resources of other programs and of other funding streams in ARRA to expand opportunities for out of school youth.

- a. The ARRA has language in the WIA section which states that “a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.” We interpret this as applying to all sections of the act related to WIA. If this is the DOL interpretation, the field would again benefit from early guidance since many places are currently planning their RFP process.
 - b. Many states already have waivers in place that permit the use of a portion of local area formula allocation funds in a more flexible way to customize for special populations (like incumbent workers) or participate more effectively in regional or state collaborations. Such flexibility would work well if extended to projects to connect youth to training and jobs related to the recovery effort.
 - c. ITA’s are not currently allowable using WIA youth funds. However, they might be effective vehicles for helping youth who are completing GED or other alternative programs connected to postsecondary education. These ITA’s coupled with jobs or needs related payments may greatly enhance the retention at the postsecondary level. Thus, providing waivers to states to allow ITA’s as an acceptable vehicle for procuring training for youth would expand options. Several states have already pursued this waiver to allow ITA’s as an acceptable vehicle for procuring training for youth. Expanding this option through an expedited waiver process could expand postsecondary opportunities for out of school youth.
4. **Performance Measurement.** To ensure success, it will be critical to support a performance measurement system that takes into account the challenges associated with serving the hardest to serve populations. DOL is likely aware of the concern of local providers related to the impact that service to high risk youth will have on the ability to meet performance standards if there is no ability to build in adjustments. This is an area where the Department has a range of options, such as:
- a. DOL can signal to State and local administrators that performance benchmarks will be adjusted downward if in fact the state and local areas want to devote some priority to service to a higher risk population
 - b. One possibility is to exclude high risk youth – dropouts, offenders, homeless, foster care – from the performance calculations as long as the programs in which they have enrolled have in place interim measures that are approved by the local boards and there is a process in place to monitor against those measures. Additional guidance for development of interim measures is provided in NYEC’s PEPNet Guide to Quality Standards (www.nyec.org/pepnet).
 - c. States should be encouraged to move to the common measures, provided that programs serving in-school youth include the “literacy/numeracy gains,” measure, which was eliminated. This measure would provide the the interim measure needed by the field to focus on youth exhibiting dropout predictors as early as 8th and 9th grades, not just the current allowable measures based on graduation, employment and or other credentials

- d. Consider an expanded definition of work readiness, to include:
 - Projects that reflect academic and workplace knowledge
 - Portfolios that demonstrate master of workplace skills
 - Supervisor follow-up surveys
 - Youth pre- and post tests

5. **State Discretionary Funds.** Governors will have discretion over the 15% set aside funds. DOL could promote innovation on the part of the states by encouraging them to use part of their set-aside funds to work with areas of high economic distress to customize programs that prepare older youth and other disconnected populations to access jobs that are being created as a result of the infrastructure projects, community revitalization efforts, and energy and environmental efforts being launched with recovery funding. In addition, DOL could encourage Governors to reach across agencies and funding streams to better serve and connect struggling students and out of school youth to employment, education and postsecondary pathways.

Thank you for your consideration of our recommendations. We look forward to your response. If you have questions or need further information, please contact Linda Harris at CLASP at (202) 906-8012 or Mala Thakur at NYEC at (202) 659-1064.