



June 15, 2015

Adele Gagliardi, Administrator  
Office of Policy Development and Research  
U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-5641  
Washington, DC 20210

**Re: [Docket No. ETA-2015-0001] RIN 1205-AB73 Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking**

The Center for Law and Social Policy (CLASP) submits these comments pursuant to the Notice of Proposed Rulemaking (NPRM) that was published in the Federal Register, Vol. 80, No. 73, on Thursday, April 16, 2015.

CLASP advocates for public policies that reduce poverty, improve the lives of poor people, and create ladders to economic security for all, regardless of race, gender, or geography. We target large-scale opportunities to reform federal and state programs, funding, and service systems, then work on the ground for effective implementation. Our research, analysis, and advocacy foster new ideas and position governments and advocates to better serve low-income people. We also work at the state and local levels, providing technical assistance regarding the implementation of federal policies and programs.

Our comments and recommendations are based on CLASP's work and expertise on human services as well as workforce, youth development, and postsecondary policies. We recognize education and training can lift families out of poverty and are very pleased that Congress, in passing the Workforce Innovation and Opportunity Act (WIOA), includes a number of improvements to ensure low-income workers—youth and adults—have the skills and supports they need for full participation in the American workforce. Specifically, Title I of WIOA includes several significant provisions that will increase the focus on comprehensive programming and “earn and learn” strategies for individuals with barriers to employment, out-of-school youth, and those who face the greatest challenges.

CLASP thanks the Departments for their hard work on the proposed regulations and for their inclusion of several proposed rules that would support integrated, comprehensive programming for out-of-school youth and individuals with barriers to employment within the WIOA Title I Youth funding as well as across the WIOA core programs. The regulatory process is a pivotal marker in the implementation of WIOA. It provides important signals to States and local areas on how they should operate, set priorities, and employ strategies that to ensure all workers, especially those with barriers to employment, can succeed economically.

In addition to the comments below, CLASP also submitted [comments](#) on the Title II proposed regulation [RIN 1830-AA22] and [comments](#) on the ED/DOL joint proposed regulation [RIN 1205-AB74, 1830-AA21]. In all of our responses, we note our appreciation for the Departments' attention to career pathways in each of the three NPRMs. Career pathway strategies have proven effective in serving lower-skill, low-income people through integrative educational approaches and robust career services. CLASP strongly supports the inclusion of shared performance metrics, co-enrollment, integrated education and training and other career pathway essentials. However, CLASP also urges the Departments to include additional operational regulations to support practitioners who are implementing career pathway strategies.

What follows are comments to [Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking](#), focused on proposed rules relating to *Part 679 – Statewide and Local Governance of the Workforce Investment System Under Title I Of The Workforce Innovation and Opportunity Act*, *Part 680 – Adult and Dislocated Worker Activities Under Title I Of The Workforce Innovation and Opportunity Act*, and *Part 681 - Youth Activities Under Title I Of The Workforce Innovation and Opportunity Act*.

For questions about CLASP's recommendations for Title I Youth and related youth provisions, please contact Kisha Bird, director of youth policy at CLASP ([kbird@clasp.org](mailto:kbird@clasp.org)). For questions about CLASP's recommendations for Title I Statewide and Local Governance, and Adult and Dislocated Worker provisions, please contact David Socolow, director of the Center for Postsecondary and Economic Success at CLASP ([dsocolow@clasp.org](mailto:dsocolow@clasp.org)).

## **Part 679 – Statewide and Local Governance of the Workforce Investment System Under Title I Of The Workforce Innovation and Opportunity Act**

### **Subpart A – State Workforce Development Board**

#### **§679.130(e)(3) What are the functions of the State Board?**

One of the functions outlined in this section of the proposed regulation is identifying “effective training programs that respond to real-time labor market analysis, that effectively use direct assessment and prior learning assessment to measure an individual’s prior knowledge, skills, competencies, and experiences for adaptability, to support efficient placement into employment or career pathways.”

CLASP urges the Department to use this section in the final regulations to further explain how states will use direct assessment and prior learning assessment in effective training programs, by including how to report this in title-specific data. The value of including these assessments as a core WIOA requirement could be undercut through a perverse incentive for programs to avoid co-enrollment if the assessments' use in an accountability system is not clearly defined. States should ensure that Title II providers have processes for sharing assessment data with Title I providers, in order to implement the provisions promoting efficient use of prior assessments in the WIOA statute at *Sec. 134(c)(2)(B)* and *Sec. 134*

(c)(3)(A)(ii). Additionally, the regulations should specify that CTE partners should have prior learning assessment support from Title I providers.

### **Subpart D - Regional and Local Plan**

#### **§679.560(b)(1-21) What are the contents of the local plan?**

CLASP recommends that the Department include additional required elements for local plans in the final regulations, in order to more fully address the topics of Measureable Skill Gains, Career Pathways, and Youth Committees, as follows:

#### **Measurable Skill Gains**

Proposed §679.560(b)(16) requires the local board to include local levels of performance that the board has negotiated with the Governor in the local plan. CLASP urges the Department to include a requirement in this section of the final regulation that local plans also include information about how local areas will use the measurable skill gains primary indicator of performance. Please see CLASP's extensive comments on the Joint DOL/ED NPRM (RIN 1205-AB74) on §677.155(a)(1)(v) regarding the measurable skill gains indicator.

To ensure effective implementation of the measurable skill gains indicator, CLASP suggests that local boards should be required to include in their local plans: 1) a process describing how they will use the measurable skill gains indicator based on their service delivery strategies across programs; and 2) a list of the measurable skill gains they will utilize in the coming year. The local plan requirement should start with the illustrative list of potential skill gains in proposed §677.155(a)(1)(v) but allow local areas to add other measurable skill gains as they relate to a program or series of programs. When calculating measurable skill gains in their performance reports, local areas should use only the documented interim progress measures that were included in the local plan. The local plan should also include any assessments that will be used to measure gains where appropriate and feasible. The goal of this recommended clarification is to give local areas the flexibility to use measurable skill gains in their existing or innovative program designs while ensuring that there is a complete and defined list of possible skill gains for a local area, preventing the measure from being inappropriately overused.

#### **Career Pathways**

This section of the proposed regulation also indicates that the local plan must include a description of the strategies and services that will be used in the local areas, explicitly including career pathway initiatives. CLASP applauds the inclusion of career pathways in local plans. We urge the Department to add additional clarifications to this section of the final regulations to provide structure for operationalizing the career pathway definition across the core titles, as well as add a mechanism to report "career pathways" treatment within administrative data for each title. Career pathway programming should happen across the WIOA titles, but data sets are organized by funding streams. The Department should provide guidance not only on implementing the career pathway definition, but also on how to *track* its implementation. Without knowing which programs are considered part of a career pathway and which individuals participated in those programs, it is nearly impossible to evaluate effectiveness or impact. Additionally, guidance for

“flagging” individuals enrolled in career pathways across program titles is essential for co-enrollment and can encourage more “braiding” of funds and wider use of the career pathway strategy. Career pathways should not exist as separate programs with special funding and special performance metrics but as a strategy within the core programs. Local plans should identify their career pathways by validating that these pathways meet the criteria in the law (including describing how services will be provided to adults, youth, and individuals with barriers to employment) by “flagging” pathway participants regardless of the WIOA program that funds the participants’ services, as well as reporting on career pathway participant outcomes across programs.

We also urge the Department to require that local plans include career pathways for incumbent workers, as well as add language defining the role of Title II programs in incumbent worker career pathways. PIAAC data demonstrates the need for foundational skill building within the American worker population; two-thirds of adult Americans with the lowest skill levels are already working. Incumbent worker training must build literacy and numeracy skills along with occupationally specific skills. Adult Basic Education can play an important role in Title I work-based training strategies, and the final regulations should clarify the Title II role in incumbent worker training.

### **Youth Committees**

Consistent with CLASP’s comments on §681.120 below, we recommend that the Department add (as an element of the local plan) a requirement to explain how the local area will direct a standing youth committee should it elect to establish one. WIOA requires substantial changes to the local youth system, including a dramatic shift in service to out-of-school youth, a greatly expanded age range, and an increase in the number of program elements. Such dramatic changes will require strategic planning and coordination to achieve the legislative intent. Thus, in addition to the list of possible roles that standing youth committees might play as proposed in §681.120, we recommend that the Department amend the local plan requirements to ensure that local boards and/or their standing youth committees also identify how they will address the following issues:

- i. How the local board will facilitate co-enrollment of participants across core programs, which is of particular importance for youth and young adults ages 18-24 who can be served through Title I, Title II, and Title IV.
- ii. How the local board will implement specific provisions related to career pathways—such as the requirement that local areas use youth funds to conduct an objective assessment “for the purpose of identifying appropriate services and career pathways for participants”—and broader career pathways for youth and young adults across core programs.
- iii. How the procurement processes and requests for proposals will, when possible, be adapted and aligned across the core programs to encourage longer-term and more intensive services for out-of-school youth.
- iv. How connections will be made with Temporary Assistance for Needy Families (TANF) partners at One-Stops to ensure policy and programmatic alignment for the young adult population under 25, who may receive a different set of services if they are not served through

Title I – Youth programs. This is important because while a large percentage of TANF recipients are under 25 and would benefit from out-of-school youth programs, federal requirements and outcomes vary for the two programs. As WIOA and TANF differ greatly from each other, it will require specific “policy and programmatic alignment” by the state and local workforce boards to serve TANF recipients in a WIOA program.

## **Part 680-Adult and Dislocated Worker Activities Under Title I Of The Workforce Innovation and Opportunity Act**

### **Subpart B – Training Services**

#### **§680.230 What are the requirements for coordination of Workforce Innovation and Opportunity Act training funds and other grant assistance?**

CLASP supports this proposed rule, which implements important provisions included in WIOA. Coordination of different funding sources for training, including Pell Grants, will enable effective service delivery strategies that braid and blend funds from multiple funding streams. WIOA can be an important source of funds for students ineligible for Pell Grants, including students who are in non-credit programs, formerly incarcerated individuals, and youth and adults who are earning secondary credentials and gaining work experience. WIOA funds can also help students avoid going into debt when they still have significant unmet need after receiving Pell and other grant aid.

### **Subpart C – Individual Training Services**

#### **§680.320 Under what circumstances may mechanisms other than Individual Training Accounts be used to provide training services?**

CLASP supports this proposed rule, which implements a key provision included in WIOA, allowing local areas to contract directly with training providers to supply training that will effectively serve individuals with barriers to employment, rather than solely relying on Individual Training Accounts. This contracted training mechanism can be used to expand innovative and effective models for helping participants with barriers to employment obtain industry-recognized credentials, including: integrated education and training approaches; career pathways; industry or sector partnerships; cohort-based approaches; and other evidence-based approaches that reflect best practices.

### **Subpart E – Priority and Special Populations**

#### **§680.600 What priority must be given to low-income adults and public assistance recipients and individuals who are basic skills deficient served with adult funds under title I?**

The draft regulation appears to convey the statutory requirement that priority for career and training services with Title I Adult funds “must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient,” although the draft rule language and the statutory language are not exactly the same. CLASP suggests modifying the proposed rule to mirror the statute, a change in law that we strongly supported.

Unlike WIA, WIOA does not require local areas to designate funds as “limited” in order for the priority to go into effect. The priority is now in effect regardless of funding. However, the draft rule is silent on this change. CLASP urges the Department to clarify in the final rule that the priority is in effect regardless of funding.

Proposed §680.600(c) states that the local board and Governor may establish a process that also gives priority to other individuals eligible to receive such services, language that is also present in the WIA regulations. However, the WIOA draft regulation adds a new clause saying that such a priority must be “consistent with the priority of service for veterans.” This implies that individuals could receive services at a priority level *below* that given to veterans (§680.650) but *above* that given to the high-needs adults identified in this provision. CLASP urges the Department to modify the final rule to read “consistent with the priorities for veterans and public assistance recipients, other low-income individuals, and individuals who are basic skills deficient” to clarify that no new priority can be set above the priority for high-needs adults targeted by this provision.

#### **§680.620 How does the Temporary Assistance for Needy Families program relate to the one-stop delivery system?**

CLASP applauds this proposed rule for encouraging partnerships among workforce programs and agencies and human service programs serving low-income youth and adults, such as Temporary Assistance for Needy Families (TANF). Coordination and partnerships among these programs can meet their shared goals of increasing participants’ future employability and earnings while meeting their immediate needs. WIOA’s increased focus on serving low-income individuals who face barriers to employment offers an opportunity for human service providers and workforce programs to improve the services available to their common customers. Human service programs, including TANF, can draw upon the resources and experience of the workforce system to help customers attain self-sufficiency through employment. Workforce systems can learn from partnerships with human service providers about the services and supports needed by those who face barriers to employment. Together, human service and workforce programs have an opportunity to ensure quality services and job training for low-income individuals.

#### **Subpart F –Work-based Training**

CLASP strongly supports the WIOA provisions that would be implemented by this Subpart of the proposed regulations. Work-based training strategies and employment approaches are particularly beneficial to low-income adults and youth; “earn and learn” opportunities allow them to receive needed income while simultaneously developing essential skills that are best learned on the job. These strategies also ensure training is tied to in-demand occupations by engaging employers and industry sectors to define needed skills. Additionally, individuals with barriers to employment often need a comprehensive set of supports that involves multiple public and private systems and partners to help them earn secondary and postsecondary credentials and transition into the labor market.

In addition to our support for WIOA's encouragement of expanded work-based training, CLASP urges the Department to further highlight the opportunity that states and local areas have under WIOA to connect workforce development to initiatives that improve job quality for many of the front-line jobs for which lower-skilled individuals are trained. Key WIOA provisions include criteria for workforce boards to consider in selecting employers for on-the-job training (OJT) and incumbent worker training (IWT). States and local workforce boards can use these criteria to target these grants to high-road employers, leveraging their WIOA investments to foster partnerships that not only enable workers to earn while they learn but also promote improved job quality. As noted below, proposed §680.730 (OJT) and §680.810 (IWT) outline criteria or factors that may be used when determining an employer's eligibility for expanded OJT reimbursements or IWT grants to train their newly hired or existing workers. This may include post-training increases in the "wages and benefit levels of employees" and other factors the Governor or local workforce board determines to be appropriate. These provisions invite states and local areas to strategically leverage their WIOA funds to improve job quality by setting criteria that target awards of OJT and IWT training grants to employers that offer decent wages and benefits, invest in and support their employees' ongoing training and advancement, and provide paid leave and predictable hourly schedules that enable workers to balance work with family caregiving and other commitments.

**§680.730 Under what conditions may a Governor or Local Board raise the on-the-job training reimbursement rate up to 75 percent of the wage rate?**

Proposed §680.730(a)(4) implements Section 134(c)(H)(ii) of WIOA, which allows an expanded wage reimbursement for on-the-job training (OJT) contracts with employers under certain conditions, including "other factors the Governor or local board may determine to be appropriate, which may include the number of employees participating, wage and benefit levels of the employees (both at present and after completion), and relation of the training to the competitiveness of the participant." CLASP urges the Department to provide guidance to states and local workforce boards on coordinating these criteria with high-road economic development strategies that improve wages, benefits, and other job quality factors for front-line employment in their state and region.

**§680.810(c) What criteria must be taken into account for an employer to be eligible to receive local incumbent worker funds?**

Proposed §680.810(c) implements Section 134(d)(4)(A)(ii) of WIOA, which explicitly allows local areas to use up to 20 percent of their local adult and dislocated worker funds for incumbent worker training (IWT) and requires Local Boards to consider certain criteria for awarding IWT funds to employers, including "other factors the Local Board determines appropriate, including number of employees trained, wages and benefits including post training increases, and the existence of other training opportunities provided by the employer." CLASP applauds the Department for its goal of targeting IWT to improving the skills and competitiveness of participants, thus increasing the competitiveness of the employer and enabling participants to gain industry-recognized training experience as well as earn higher wages. The Department requested comment on how to structure IWT arrangements in a way that maximizes the likelihood of achieving what the Department describes as an "ideal" incumbent worker training outcome, in which two employees benefit through an "advance-and-backfill" result (whereby one participant

acquires new skills and is promoted into a higher-skilled, higher paid job—thus creating a vacancy that can be backfilled by hiring a new front-line employee). CLASP agrees with the Department that this is an ideal use of IWT contracts. To increase the likelihood of this positive outcome, CLASP recommends that the Department strongly encourage local areas to coordinate IWT with high-road economic development strategies that improve wages, benefits, and other job quality factors for front-line employment in their state and region.

### **§680.830 What is a transitional job?**

By allowing up to 10 percent of Title I Adult and Dislocated Worker funds to be used for transitional jobs, WIOA offers an opportunity for local areas that do not use the model currently to add it to their portfolio of services to help individuals who are chronically unemployed and have barriers to employment establish work history and develop skills. Many job seekers, particularly those who face barriers to employment, require an array of work-based training and employment strategies to become gainfully employed. WIOA encourages a comprehensive set of supports that involve public and private partners to help individuals earn secondary and postsecondary credentials and transition into jobs. CLASP strongly supports the inclusion of transitional jobs in the WIOA law and urges the Department to encourage local areas that expand their use of transitional jobs to consider partnerships with TANF agencies that may have more recent experience with implementing subsidized jobs programs, many of which operated under the TANF Emergency Fund.

CLASP recommends that the Department further refine the definition of transitional jobs by requiring that participants in transitional jobs are paid wages, rather than stipends or other forms of compensation. In the final rule, transitional jobs should be defined as “time-limited, *wage-paid* work experiences that are subsidized for individuals with barriers to employment who are chronically unemployed or have an inconsistent work history.” By design, transitional jobs programs make work pay by allowing participants to earn wages while learning the norms and behaviors of work, gaining on-the-job success, increasing stability at a job, and increasing soft and hard job skills. As recipients of real wages, workers in transitional jobs should be classified as employees rather than independent contractors or trainees and should be subject to protections such as wage and hour laws, minimum wage laws, unemployment insurance, and workers compensation.

In addition, in the preamble’s explanation of §680.830, the Department describes the difference between a transitional job and an on-the-job training (OJT) contract as follows: “[I]n a transitional job, there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete.” CLASP is concerned that, by omitting other important differences between transitional jobs programs and OJT contracts with employers, the Department has implied that this is the sole distinction between these two work-based training models. To avoid this misunderstanding, we urge the Department to expand this analysis in the final rule, as follows. First, the Department should make clear that in transitional jobs programs, the program provider should act as employer of record and assume all responsibilities of the employer-employee relationship (or assign a third party to do so), in contrast to the OJT model of using WIOA funds to reimburse employer partners for wages paid. Second, the Department

should note that transitional jobs require a 100 percent wage subsidy, while OJT contracts subsidize up to 75 percent of wages. Third, funds dedicated to transitional jobs should support all components of the strategy, including participant wages, supportive services, training and education, unsubsidized job development, and unsubsidized employment retention services. Fourth, transitional jobs should also be targeted at those jobseekers most in need of intervention through assessments for barriers and work history and selection of participants based on greatest need. Finally, transitional jobs may be structured as offsite placements with private-sector, public-sector, or nonprofit employers or as in-house social enterprise or work crew placements that offer real work experience.

### **Subpart G – Supportive Services**

#### **§680.900 What are supportive services for adults and dislocated workers?**

CLASP supports this proposed rule, which implements provisions allowing local areas to use WIOA funds to pay for supportive services. These include needs-related payments for workers who need them to successfully participate in and complete training programs, as well as other supportive services they need to participate in career or training services (such as transportation, child care, dependent care, housing, legal aid services, and financial supports). The most promising strategies for serving people with barriers to employment involve a concurrent mix of employment, training, and supportive services. Integrated strategies and comprehensive approaches require cross-system collaboration involving workforce development agencies, human services agencies, educational institutions, and employment services agencies. CLASP strongly supports the inclusion of legal aid services in the Department’s list of examples of supportive services; legal aid can uniquely address certain barriers to employment, including access to drivers’ licenses, expunging criminal records, and resolving issues with debt, credit, and housing.

### **Part 681 – Youth Activities Under Title I of The Workforce Innovation and Opportunity Act**

#### **Subpart A – Standing Youth Committees**

##### **§681.120 What is a standing youth committee?**

WIOA does not require local workforce boards to have a youth council, as is the case in current law. However, WIOA does allow local boards to establish a standing youth committee and allows them to maintain any existing youth council established under the previous law. WIOA does not provide any criteria for what a standing youth committee should do if a local board elects to establish one. CLASP applauds the Department for including in the proposed regulations suggested activities with which a standing youth committee may be charged. WIOA requires substantial changes to the local youth system, including a dramatic shift in service to out-of-school youth, a greatly expanded age range, and an increase in the number of program elements. Such dramatic changes will require strategic planning and coordination to achieve the legislative intent. Thus, in addition to the list of possible roles for standing youth committees that is provided in the proposed rule, we encourage the Department to ensure local boards and/or their standing youth committees identify how they will address the following issues:

- i. How the local board will facilitate co-enrollment of participants across core programs for youth and young adults (ages 18-24) who are eligible for service through Title I, Title II, and Title IV.
- ii. How the local board will implement specific provisions related to career pathways, such as the requirement that local areas use youth funds to conduct an objective assessment “for the purpose of identifying appropriate services and career pathways for participants,” as well as broader career pathways for youth and young adults across core programs.
- iii. How the procurement processes and requests for proposals will, when possible, be adapted and aligned across the core programs to encourage longer-term and more intensive services for out-of-school youth.
- iv. How connections will be made with Temporary Assistance for Needy Families (TANF) partners at One-Stops to ensure policy and programmatic alignment for the young adult population under 25, who may receive a different set of services if they are not served through Title I – Youth. This is important because while a large percentage of TANF recipients are under 25 and would benefit from out-of-school youth programs, federal requirements and outcomes vary for the two programs. As WIOA and TANF differ greatly from each other, it will require specific “policy and programmatic alignment” by the state and local workforce boards to serve TANF recipients in a WIOA program.

We also recommend emphasizing in the final rules that, if the local area chooses not to establish a youth council or standing committee, the activities listed in the regulations will fall to the local board, which will be responsible for documenting activities and providing opportunity for stakeholder input.

### **Subpart B – Eligibility for Youth Services**

#### **§681.230 What does “school” refer to in the “not attending or attending any school” in the out-of-school and in-school definitions?**

CLASP has two major concerns with this section. First, allowing state law to determine the definitions of “attending any school” and “alternative education” could prevent access to WIOA OSY dollars for youth who have dropped out of high school and are in nontraditional programs in states with broad definitions of school. Second, while we welcome the clarifications that individuals enrolled in Title II programming, YouthBuild, and Jobs Corps are not considered to be attending school for the purposes of WIOA, we believe that young people who are in similar programming (e.g., GED and other high school equivalency programming funded with non-WIOA sources) should also be considered to be “out of school.”

**State Definitions of School and Alternative Education.** The Department clarifies that the term “school,” as it relates to WIOA out-of-school eligibility, shall be defined by state law for both secondary and postsecondary institutions. The Department also directs states to define “alternative schools”; in the same paragraph, it notes that 43 states have already done so, implying these are all acceptable definitions. These definitions cover the gamut of programming, including the various education services offered at community-based organizations’ (CBO) that target youth who have dropped out of high school. We appreciate and support the legislative and departmental intent to focus WIOA out-of-school funding on

students who are not attending any school. However, we are very concerned that some state definitions of “school” might be so broad that youth who have dropped out of high school and are receiving GED or high school equivalency education at a CBO or community college might be considered ineligible for support with WIOA out-of-school dollars. As a result, these vulnerable young people would have very limited access to WIOA Youth services. We do not believe this was the legislative intent.

**Title II, YouthBuild and Job Corps.** The proposed rule clarifies that youth attending an adult education program funded by WIOA Title II, YouthBuild, or Job Corps can be considered OSY for the purposes of WIOA Title I Youth program eligibility because these programs are not considered schools. CLASP agrees with the Department’s assessment and believes this type of cross-program eligibility will facilitate co-enrollment and help youth who do not have secondary school credentials and have dropped out of high school access comprehensive interventions. However, we are concerned that youth who have dropped out of high school and who are participating in adult education and/or high school equivalency programs that are not funded through Title II WIOA—or who are participating in interventions similar to YouthBuild or Job Corps that are funded by other public and private sources—may be deemed ineligible for services as an OSY under Title I WIOA.

The promise of WIOA is that local program services can be enriched by combining service strategies and leveraging resources. Thus, it is counter-intuitive to define “out-of-school” in a way that renders youth who have dropped out of high school ineligible for Title I WIOA Youth services. [Adult education services are funded by a patchwork of revenue sources—including local, state, and federal governments and tuition or fee payments by students.](#) According to a survey of state directors of adult education conducted by CLASP and the National Council for State Directors of Adult Education (NCSDAE), *56 percent of adult education funding comes from three nonfederal sources: 45 percent of total funding comes from the state; 10 percent comes from local sources, which include programs, school districts, and institutions and local levies; and 1 percent comes from tuition.*<sup>1</sup> Thus, many youth may attend high school equivalency programs that are funded outside of the WIOA Title II Adult Education system. For example, in the District of Columbia, many programs that provide adult education services are funded through the City’s Public Charter School Board, which provides per-pupil education funding at approximately \$10,000 per student; this is intended to provide the local adult education system with more stable funding to offer intensive, high-quality services. WIOA’s legislative intent is to provide out-of-school youth with more intensive, integrated services. As such, it is counter-productive for a young person accessing a high school equivalency program that is funded outside of WIOA to be deemed ineligible for services as an out-of-school youth. This is especially important for youth over 21; if they are deemed “in-school youth” for the purposes of WIOA Title I Youth program eligibility, they would not be allowed to access WIOA Title I services. The following recommendations are intended to support clarity in determining an out-of-school youth’s eligibility status; the intent is *not* to open loopholes for serving “in-school youth” within the 75 percent expenditure requirement for out-of-school youth.

### **Recommendation:**

- i. The final regulations should make clear that youth without a secondary credential who are attending a high school equivalency program, regardless of how that program is funded,

should be deemed eligible for Title I out-of-school youth services. Eligibility determination should be based on the educational status of the youth and not on the funding of the entity providing the adult education service.

- ii. We encourage the Department to further define what “attending” means in the context of determining eligibility. There could be numerous applications and interpretations, especially in considering the older youth population. For example, does taking a single course at a community college make you ineligible for services while you are attending? And does enrolling in a non-credit-bearing or continuing education course provided by a community college make you ineligible for youth services?

#### **§681.240 When do local youth programs verify dropout status, particularly for youth attending alternative schools?**

The Department makes clear that youth who are enrolled in an alternative school at the time of enrollment in the WIOA Title I Youth program are not considered out-of-school youth. However, if the youth is determined to be out of school at the time of enrollment—and is subsequently placed into an alternative school or any other school—then he/she is considered an out-of-school youth. CLASP supports this proposed rule and believes the status of initial program eligibility determination should prevail. In addition, we recommend that status be portable when moving across other WIOA funding streams, as long as that movement is part of the individual career plan and part of an articulated agreement among the partners.

#### **§681.260 How does the Department define “high-poverty area” for the purposes of the special rule for low-income youth in Workforce Innovation and Opportunity Act?**

WIOA contains a new provision that allows youth living in high-poverty areas to be considered low-income individuals for the purposes of eligibility. This provision is intended to address the overwhelming burden on eligible youth, as well as on local systems and providers, associated with eligibility certification requirements. The proposed rule suggests that a “high-poverty area” be defined as a Census tract; a set of contiguous Census tracts; Indian Reservation, tribal land, or Native Alaskan Village; or a county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-Year data. In addition, to these criteria, CLASP recommends that the Department encourage local areas to use a variety of proxies, to define “high-poverty area,” including:

- i. The proposed language in the rule that allows for including a cluster of contiguous Census tracts with a poverty rate over 30 percent.
- ii. Living in public housing or project-based subsidized housing.
- iii. Living in a high-poverty school catchment area where over 75 percent of the student population is eligible for the free and reduced-price lunch program (FRPL).

**§681.300 How does the Department define the “requires additional assistance to complete an educational program, or to secure and hold employment” criterion in this part?**

The proposed rule gives states and/or local boards the responsibility to determine the meaning of “*requires additional assistance to complete an educational program, or to secure and hold employment.*” Given the breadth of this statement, we are concerned about the potential to expand services far beyond the high-risk populations envisioned by the statute. Therefore, we recommend that the Departments provide additional guidance to states and local boards.

**Recommendation:**

The Departments should provide further clarification on the criteria that states and local should reference when establishing their definitions. At a minimum, we suggest:

- i. The educational program that the individual needs assistance to complete is geared to the achievement of basic skills at the secondary level. Assistance completing postsecondary education programs for highly functioning participants should not be included in the definition.
- ii. “Requiring additional assistance to secure or hold employment” should mean that there are deficits in basic academic skills (not technical skills or advanced academic skills) that are needed to secure employment or succeed on the job.

**§681.310 Must youth participants enroll to participate in the youth program?**

In the proposed rule, the Department defines enrollment *as the collection of information to support an eligibility determination and participation in any one of the 14 program elements*. Further justification for this rule is provided in the background sections of the NPRM, which clarifies that there is no self-service concept for the WIOA Youth program and every individual receiving services under WIOA Youth provisions must meet ISY or OSY eligibility criteria and formally enroll in the program. There are two separate but related concepts embedded in this rule: 1) how to determine youth eligibility; and 2) when an enrollee is considered a youth participant. For the purposes of clarity, we will address each concept separately.

***How to determine youth eligibility.*** The proposed rule states that part of the enrollment process is a “collection of information” to support an eligibility determination.

One of the biggest challenges from the youth field in the lead up to WIOA passage was the undue burden associated with certification of income eligibility and status in high-risk categories. WIOA Title I youth funding is an improvement over current law; it will serve an expanded population of high-risk and disconnected youth without regard to income. Under the Workforce Investment Act, youth are required to be low income and belong to one or more risk groups. In WIOA, there is no longer an income requirement for out-of-school youth who are dropouts, offenders, homeless, pregnant and parenting, in foster care, runaways, or disabled. WIOA also allows residence in a high-poverty area to meet the definition of “low income” for in-school and out-of-school youth (see pages 5-6 for more information on defining “high-poverty area”). While these provisions are improvements over current law, they do not

alleviate all of the challenges related to eligibility certification and documentation. Out-of-school youth would still have to produce documentation to demonstrate their “risk status.”

The new law does not address eligibility certification. However, in prior years, states and local areas have used Department of Labor guidance on data accuracy and verification to establish acceptable criteria for certification, which usually requires documentation from the school system, justice system, welfare system, or administrative records. While self-attestation is allowed for some categories, it is clearly expressed in many cases that this is a last resort. As a result, many states and localities, out of fear of disallowed cost or other administrative findings, have embedded these requirements as part of up-front eligibility verification. Requiring youth in the most precarious situations to navigate complex bureaucracies to produce documentation of their risk status before any service is rendered poses a major deterrent to serving those most in need.

We recommend the Department of Labor build on the guidance that was included in the [Advisory: Training and Employment Guidance Letter No. 6-14 “Program Year \(PY\) 2013/Fiscal Year \(FY\) 2014 Data Validation and Performance Requirements and Associated Timelines”](#) regarding self-attestation.

In this document, self-attestation (also referred to as a participant statement) is defined as “*when a participant states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) the participant identifying his or her status for permitted elements and (b) signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the state management information system, with an online signature.*” Self-attestation is included as an allowable source of documentation for the purposes of data validation for youth in the following categories:

- Pregnant or Parenting Youth.
- Youth Who Needs Additional Assistance.
- Offender.
- Homeless Individual and/or Runaway Youth.
- School Status at Participation.

CLASP recommends that the Department of Labor clarify that the “collection of information” can be supported by self-attestation for upfront eligibility determination, particularly for youth in high-risk categories, with the exception of “Youth Who Needs Additional Assistance,” which the Department is proposing states and/or local areas define (Section 681.300). Further, we recommend that the Department make *explicit* that self-attestation is allowable or even preferred and that services can begin immediately for youth who provide such statements. This should apply to out-of-school youth who: do not have a secondary credential; are subject to the juvenile or adult justice system; are homeless and/or runaway youth; or are pregnant or parenting. Once a youth has been determined eligible and is receiving services, the process for collecting official documentation can happen over time for the purposes of data validation.

Lastly, we encourage the Department to make clear that the requirements for data quality and validation and the requirements for eligibility determination are separate processes and that states should not unduly impose those data validation requirements on the upfront eligibility determination process.

***When an enrollee is considered a youth participant.*** The proposed rule makes clear that there is no self-service for in-school youth participants ages 14-21 or out-of-school youth participants ages 16-24 within the Title I Youth program.

As proposed, the rule appears to bar access to any upfront services, which are particularly critical to effectively serving and maintaining engagement for out-of-school youth. However, older youth (ages 18-24) may access services through the one-stop system and participate in self-service activities. Additionally, according to proposed rules in the “Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions,” these youth would be included as reportable individuals.

The proposed WIOA regulations do not define “self-service” because the term is not included in the updated law. In WIA Title I, self-service activities are defined in 20 CFR 666.140(a)(2) as core and informational services that are made accessible to the general public and that do not require significant staff involvement. Self-services are available “*to educate individuals about the labor market, their employment strengths and weaknesses, and the range of services appropriate to their particular situation*” as included in [Training and Employment Notice \(TEN\) NO. 8-10 “Workforce Investment Act Self-Service Participant Reporting –What, Where, and How.”](#) Furthermore, the proposed WIOA regulation does not define “staff assisted service,” which is also not included in WIOA.

Both the WIOA statute and the proposed regulations encourage the co-enrollment of 18-24-year-old out-of-school youth across core programs e.g., Title I, youth activities and Title II, adult education (Section 681.230); and Title I adult and youth programs (Section 681.440). However, this proposed rule is based on funding streams, rather than the best and most effective services for youth. Therefore, for the purposes of 18-24-year-old OSY, and in keeping with alignment across the core programs and ensuring youth are adequately served, we recommend that the Department clarify that: 1) a young person is *not enrolled* in the Title I WIOA youth program as soon as you start collecting information; and 2) local areas are allowed to begin assessment activities and other efforts, such as referring age-appropriate youth to self-service opportunities through the one-stop system. Furthermore, we urge the Department to provide more definitional language around what self-service and staff-assisted service entail.

In order to maximize service provision and performance, there should be consistent definitions across titles regarding point of enrollment (participation), which should be triggered by engagement in program activity—not just initial assessment activities. In keeping with the preamble in section 677.150 (within the joint Notice of Proposed Rulemaking from the Departments of Education and Labor) that defines “participant,” we recommend that youth participation remain a constant, regardless of which funding stream is providing services (except in the case of co-enrollment, which is discussed in detail on page 12).

- i. For WIOA adults, reportable individuals who receive staff assisted services would be considered participants and, thus, be included in performance calculations.
- ii. For WIOA youth, reportable individuals who are determined eligible, receive an assessment, and receive a program element (~~a staff-assisted service~~) would be considered participants and, thus, be included in performance calculations.
- iii. For the AEFLA program, reportable individuals who have been determined eligible and who have completed at least 12 contact hours in an adult education and literacy activity under AEFLA would be considered participants and thus be included in performance calculations.
- iv. For the Vocational Rehabilitation program, reportable individuals who have been determined eligible for services and who have an approved and signed Individualized Plan for Employment (IPE) that outlines the services that the individual will receive would be considered participants and thus be included in performance calculations.

We do, however, recommend that the Department remove the term “*a staff-assisted service*” since it is not defined in the statute or regulations and can be misleading when providing needed upfront navigation, assessment, and counseling services to youth.

*For WIOA youth, reportable individuals who are determined eligible, receive an assessment, and receive a program element (~~a staff-assisted service~~) would be considered participants and, thus, be included in performance calculations.*

We also recommend similar language be used to define participation in Title I Adult programs, in order to provide consistency in determining when participation starts and who will be included in performance.

### **Subpart C – Youth Program Design, Elements, and Parameters**

#### **§681.410 Does the requirement that a State and local area expend at least 75 percent of youth funds to provide services to out-of-school youth apply to all youth funds?**

CLASP strongly supports this proposed rule. The intent of WIOA statute is for the Title I youth funding stream to serve more out-of-school youth, up from a required 30 percent to 75 percent. We strongly encourage the Department to maintain a strict assessment when considering waivers to states regarding decreasing their expenditures to serve out-of-school youth within local areas. Further, we recommend the Department be more prescriptive about what is required in the “analysis of in-school youth and out-of-school youth populations in the local area.” For example, based on the out-of-school definition, the Department should require any State seeking a waiver to provide (at minimum) documentation of the following, using available Census data and data from reliable state and local sources:

- i. Number and percentage of youth ages 16-24 who are not enrolled in school and do not have a high school diploma or equivalent;

- ii. Number and percentage of youth ages 16-24 who are not enrolled in school, do not have a high school diploma or equivalent, and are not working;
- iii. Number and percentage of youth ages 16-24 who are subject to the juvenile or adult justice system and are not enrolled in school; and
- iv. Number and percentage of youth ages 16-24 who are runaways, are in foster care or have aged out of the foster care system, are children eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or are in an out-of-home placement and are not enrolled in school.

**The following discussion and recommendations are in response to proposed rules in §681.430, §681.440, and §681.450:**

- **§681.430 May youth participate in both the Workforce Innovation and Opportunity Act youth and adult programs concurrently, and how do local program operators track concurrent enrollment in the Workforce Innovation and Opportunity Act youth and adult programs?**
- **§ 681.440 How does a local youth program determine if an 18 to 24 year old is enrolled in the Workforce Innovation and Opportunity Act youth program or the Workforce Innovation and Opportunity Act adult program?**
- **§681.450 For how long must a local Workforce Innovation and Opportunity Act youth program serve a participant?**

CLASP thanks the Department for clarifying that youth may be served in the Title I Adult and Youth programs concurrently. We also support the Department's guidance suggesting there should be no minimum or maximum time restrictions on youth participation in the WIOA Title I Youth program, as well as the proposed rule's statement that local programs must provide services to youth for the amount of time it takes to fulfil their individual service strategy goals and to successfully enter into postsecondary education and/or unsubsidized employment.

### **Co-enrollment.**

While co-enrollment is encouraged in the proposed regulations, the term is not defined in [Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking: Docket No. ETA– 2015 - 0001](#). However, a definition is included in [Programs and Activities Authorized by the Adult Education and Family Literacy Act \(Title II of the Workforce Innovation and Opportunity Act\): Docket ID ED–2015–OCTAE–0003](#).

*The proposed definition of “concurrent enrollment” or “co-enrollment” would clarify its meaning specific to enrollment in two or more of the four core programs in WIOA to provide consistency with how it is used throughout the statute. This definition, developed for the purposes of WIOA, differs from general use of the term which implies enrollment in two or more educational programs.*

In current practice, co-enrollment is when multiple funding streams are used to provide program service to the same participants. Participants are reported in each funding stream and included in the performance calculations for each funding stream. In the proposed regulations in Section 679.560(b)(2)(ii) and in the explanatory language for Section 681.230, the Department of Labor emphasizes:

*Co-enrollment allows partners to leverage resources, while providing a more comprehensive service delivery strategy that meets the needs of customers with several barriers to employment. Additionally, coordination of services in a customer-focused manner minimizes the possibility of subsequent reentry into the public workforce system in cases where needed services were not provided or possible barriers not addressed.... Many disconnected youth age 16 to 24 meet eligibility requirements for both WIOA title I youth activities and WIOA title II adult education. Co-enrollment between these two programs can be very beneficial to disconnected youth as they can receive work experience and occupational skills through title I funding and literacy skills through title II funding.*

We applaud the Department's use of the regulations to encourage increased utilization of co-enrollment strategies, as well as its emphasis on how this can expand the range of services to out-of-school youth. We would like to see local areas undertake much more strategic approaches that utilize all the core program funding streams to craft substantive pathway options for youth being served across the titles. There are however, potential disincentives to this related to inconsistencies across the funding streams in how *enrollment, participation, and exit* are defined and how performance is measured.

### **Recommendation:**

#### **Enrollment and Participation.**

- i. We recommend again (as referenced on pages 6-9) that the Department make clear: 1) a young person is *not enrolled* in the Title I WIOA youth program as soon as you start collecting information; and 2) local areas are allowed to begin assessment activities and other efforts, such as referring age appropriate youth to access self-service through the one-stop system.
- ii. For youth ages 18-24, there should be a consistent definition regarding point of enrollment (participation) across titles, and it should be triggered by engagement in program activity—not just initial assessment activities. We support the definition used for WIOA Title I Youth and recommend the Department remove “a staff-assisted service” since it is not defined in the statute or regulations and can be misleading when providing needed upfront navigation, assessment, and counseling services to youth.

*For WIOA youth, reportable individuals who are determined eligible, receive an assessment, and receive a program element (~~a staff-assisted service~~) would be considered participants and, thus, be included in performance calculations.*

We recommend that the above language also apply to participation in all the core WIOA programs for any youth (age 18-24) who is co-enrolled, in order to provide consistency (especially as it relates to when

participation starts and who will be included in performance). This inconsistency in performance measures across WIOA core programs is a good example of the barriers to co-enrollment and cross-system alignment that the Department has sought to address through the [Performance Partnership Pilots for Disconnected Youth](#). The option for flexibility might be usefully employed in this instance, as well. We encourage the Department to allow local areas to seek a departmental waiver in order to resolve the issue of the funding streams having different performance expectations for the exact same population.

- i. Make it clear that as youth move from one funding stream to another (or to a non-funded activity on their career plan), they may remain enrolled in the funding stream until they complete their plan of service—even if funds are no longer being expended for their participation. There should be a hold status with no specified timeframe— unlike the 90-day automatic exit that is in current practice in the Workforce Investment Act—for participants on whom funds are no longer being expended from the funding stream but who are still engaged in activities on their career plan funded from other sources.
- ii. If a youth experiences periods of inactivity (not actively engaged in program or services listed on their career plan, regardless of funding from any WIOA core program), that youth may remain enrolled in the funding stream as long as he/she is still under active career counseling.
- iii. Make clear that the set of staff assisted activities that are allowed do not trigger enrollment. Many local programs currently believe that, except for follow-up services, no WIOA Title I Youth funds may be spent on youth once they exit. Providing services to youth post-exit to assist in transition, navigation, and support are critical to youth success. This should be clarified in the context of encouraging career pathways and managing exits and handoffs to other systems and services.

Furthermore, it is important to reiterate that service to youth ages 18-24 in the WIOA Title I adult program and at the one-stop should not decrease because the age range has been expanded for the WIOA Title I youth funding stream. In assembling a plan for youth, all of the offerings of the one-stop, the WIOA adult and youth funding stream should be taken into consideration. Then, the appropriate combination of service and funding streams should be structured and delivered in keeping with the youth's assessment and needs. This may result in enrollment in the adult funding stream, the youth funding stream, sequential enrollment, and/or or co-enrollment.

### **Exit.**

In Section 677.150(c) of [Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Notice of Proposed Rulemaking: Docket No. ETA-2015-0002](#), the proposed rule defines the term “exit” for the purposes of a uniform performance accountability system for the core programs under WIOA.

*One consistent definition of exit would facilitate this calculation and will allow the Departments to make meaningful comparisons across the States. For the core programs, excluding Vocational Rehabilitation, the Departments propose defining “exit” as the last date of service. The last date of service means the individual has not received any services for 90 days and there are no future services planned. For the purpose of this definition, “service” does not include self-service, information-only activities, or follow-up services.*

The rule says that exit may not be triggered if future services are planned. CLASP supports this provision because for many participants, particularly youth, services may be planned for more than 90 days in the future. This may be because a participant has experienced a personal or family hardship and/or is experiencing a life changing event, such as pregnancy or incarceration, among other reasons.

### **Recommendation:**

- i. With regard to the 90-day threshold for determining exit, we suggest that the Departments consider extending the period to 120 days. For a variety of reasons, out-of-school youth often cycle in and out of services before getting on a consistent track to completion of services. They may be inactive for longer than 3 months before being reengaged.
- ii. A hold status should be maintained for youth who are not receiving services due to hardships documented in their record and who are expected to return to continue their plan of service upon alleviation of that hardship. Programs should be able to note that future services are planned, thereby putting a hold on exit or stopping the exit clock. It should be part of state monitoring to look at who is on hold and for what reason to ensure that the hold provision is not being used inappropriately to delay exit and impact performance measurement.

### **Common Exit**

In theory, co-enrollment and common exit should increase both access and comprehensive service delivery that results in sustained employability for youth, as well as provide a method of improving performance across WIOA core funding streams. However, this may not necessarily be the case for the WIOA Title I Youth funding stream. Applying common exits could have unintended consequences in the performance system as it relates to the WIOA Title I youth funding stream. For example, for out-of-school youth, a service delivery strategy that uses WIOA Title II funds and Title I Youth funds to deliver participants to high school equivalency and sequence them to longer-term postsecondary training is a powerful strategy and should be encouraged. However, the WIOA Title I Youth program has two additional performance measures that are not required for the other core programs:

- (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;*

The youth program may not be well served by the use of the common exit, since it would delay reporting on these two measures for an indefinite period of time. Such a delay in reporting program outcomes does not contribute to effective program management. Thus, the WIOA youth program does not necessarily benefit in the performance system by using common exit.

**Recommendation:**

The Department should:

- i. Encourage co-enrollment but should not require that all funding streams used to support the co-enrollment strategy use a common exit.
- ii. Continue to encourage co-enrollment and the reporting of co-enrollment in the reporting system.
- iii. Instruct states and local areas on how to identify participants who are co-enrolled on the participant record.
- iv. Allow local programs to have the flexibility to use either “program exit” or “common exit” to exit participants from WIOA core programs in a manner that maximizes service to the participant and performance of the funding stream.
- v. Explore ways to work with the states to use the MIS and reporting systems to track co-enrollment in a way that maximizes performance across the WIOA core funding streams.

**§681.550 Are Individual Training Accounts permitted for youth participants?**

CLASP supports this proposed rule. It is important to include specific service strategies that take into account the needs of youth ages 18-24, who can be served through multiple funding streams.

**§681.580 What are follow-up services for youth?**

The proposed rule appropriately prioritizes follow-up services, providing a number of options for local areas. However, in limited instances, the most conscientious attempts at follow up will fall short because young people cannot be located, have relocated outside the local area, or are unwilling to participate in follow-up activities. In these instances, exemptions or waivers should be allowed for local areas if they show ongoing concerted efforts despite failing to connect with former participants after 90 days and /or having youth refuse service during the exit process.

**§681.610 How will local Workforce Innovation and Opportunity Act youth programs track the work experience priority?**

20 Percent Minimum Work Experience Expenditure. A number of local areas are effectively developing and leveraging dollars for youth work experiences from private, non-profit, and public sources; in some cases, these funds substantially exceed 20 percent of their local WIOA allocations. In cases where alternative local funding sources can cover some or all the costs of work experience for eligible youth (e.g., wages, worksite development, curricula and training, and/or program delivery and oversight), CLASP believes local areas should have the flexibility to count these sources towards the 20 percent expenditure rate. In this way, local areas that are able to leverage other dollars could use their WIOA

funds to enroll more youth and/or to provide services over a longer period of time. Of course, these leveraged funds would be tracked and reported to document that local funding levels reach the equivalent of 20 percent of the WIOA youth allocation. And only actual expenditures—as opposed to in-kind—should be allowable.

**§681.640 What does education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster mean?**

CLASP supports the proposed rule, which reiterates program elements included in WIOA. Integrated education and training has been shown to help youth and adult learners obtain college credits, learn occupational skills, and achieve basic skill gains more quickly than when they are separately enrolled in traditional adult education and/or workforce training programs. This strategy can also accelerate progress and skill attainment for out-of-school youth.

However, CLASP recommends including this definition in the Joint DOL/ED Rulemaking (RIN 1205–AB74) as guidance on operationalizing the definition of a Career Pathway in WIOA. We appreciate the Departments’ proposed language connecting the Integrated Education and Training regulations in Title II with the career pathway definition in the WIOA statute at *Section 3(7)(D)*: “This program element reflects the integrated education and training model and requires integrated education and training to occur concurrently and contextually with workforce preparation activities and workforce training. This program element describes how workforce preparations activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway.” This statement clearly connects a best practice educational innovation to career pathway programming.

However, while state and local boards are mandated to convene their education partners to develop and implement career pathways which include integrated education and training, there are currently no proposed regulations for how these boards will ensure that pathways fit the criteria defined in *Section 3(7)(A-G)* of WIOA. For example, how is “contextual” to be gauged? What does “accelerated” mean? The Departments also should add language to the final regulations clarifying how to track career pathway participants whose service happens not within one particular federal program and funding stream but across these programs through co-enrollment.

At a minimum, the final regulations should state that career pathways are collaborative and require co-enrollment across WIOA titles or with other local, state, or federal programs. The regulations should identify Integrated Education and Training as one of the service models to operationalize the educational innovations not only in *WIOA Sec 3(7)(D)* but also in *WIOA Sec 3(7)(E)*. This would ensure the word “accelerate” is not misinterpreted to mean condensed but rather is properly interpreted to mean concurrent, contextualized, and structured to be maximally accessible and efficient.

**§681.700 What is the connection between the youth program and the one-stop service delivery system?**

CLASP supports collaboration with WIOA youth programs and the one-stop service delivery system. Through WIA, the one-stop system was not youth or young adult friendly. WIOA makes improvements to ensure that youth and young adults are afforded an appropriate level of quality services available through one-stops. In addition to the activities and connections outlined in the proposed rule, we recommend the Department also strongly encourage staff development and training for one-stop operators and staff to build their capacity in serving youth, especially those requiring multiple and intensive services.

**§681.710 Do Local Boards have the flexibility to offer services to area youth who are not eligible under the youth program through the one-stop centers?**

Many youth who are ineligible to be served in the youth funding stream may, in fact, be long-term unemployed or part-time, low-wage workers with other barriers that may fall within the priority of service for the WIOA adult funding stream. We recommend that local boards be required to ensure equitable access to employment and training support through the one-stop system for young adults ages 18-24—not just refer them to the youth system.

**Part 682 – Statewide Activities Under Title I Of The Workforce Innovation and Opportunity Act****Subpart B – Required and Allowable Statewide Employment and Training Activities****§682.210(c) What are allowable statewide employment and training activities?**

CLASP supports this proposed rule, which implements WIOA Section 134(a)(3)(A)(ii) and emphasizes the State role in developing and implementing strategies for serving individuals with barriers to employment and encourages States to partner with other agencies to coordinate services among all the one-stop partners. Governors have a vital role in coordinating different funding sources for training to enable effective service delivery strategies that braid and blend funds from multiple funding streams.

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<sup>i</sup> <http://www.clasp.org/resources-and-publications/files/Sinking-or-Swimming-State-Adult-Education-Tuition-and-Financing-Policies.pdf>