



Oregon

Kate Brown, Governor

Higher Education Coordinating Commission

Office of Workforce Investments

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www.oregon.gov/HigherEd

WIOA Waiver Request: Requirement that 75% of funds available to local areas shall be used to provide youth workforce investment activities for out-of-school youth

The State of Oregon

The State of Oregon's Higher Education Coordinating Commission, Office of Workforce Investments (HECC-OWI) is seeking a waiver from WIOA Section 129(4)(A) and 20 CFR 681.410 which require not less than 75 percent of funds allotted to states under Section 127(b)(1)(C), reserved under Section 128(a), and available for statewide activities under subsection (b), and not less than 75 percent of funds available to local areas under subsection (c), shall be used to provide youth workforce investment activities for out-of-school youth (OSY).

Specifically, HECC-OWI requests waiver authority starting in PY2021 for the following:

1. A waiver of the requirement to expend 75 percent of funding on the OSY population. Oregon is requesting that this percentage be lowered to 50 percent.
2. A waiver of the requirement to expend 75 percent of Statewide Activities funding on the OSY population. Oregon is requesting that this percentage be lowered to 50 percent.

This waiver request is to address the effects that the COVID-19 pandemic and the subsequent shut-down of schools to in-person instruction has had on students. On March 16, 2020, Oregon Governor Kate Brown closed K-12 public schools to in-person instruction. Virtual instruction began on April 28, 2020 and in-person and hybrid learning began on March 29, 2021. Students were required to transition to learning from home and no longer had the supports that attending school in-person provides including meals, social-emotional learning and access to medical professionals. One year later, some studies suggest that the loss of instructional time put students 30-50% behind where they would have been had schools remained open.¹ Students of color, those with disabilities and those living in rural areas are disproportionately affected by the pandemic.

Actions to Remove Barriers:

There is currently no state or local statutory or regulatory barrier to implementing the requested waiver.

Strategic Goals of Requested Waiver:

Goal – Reengage students in education and increase chances of high school completion.

Expected Outcome – Data from the Oregon Department of Education (ODE) showed that in the fall of 2020, 76% of all students regularly attended school. Students are regular attenders if they are in attendance for more than 90% of their enrolled days. Foster youth, low-income students and students with disabilities had lower attendance rates at 68%, 69% and 67% respectively.² It is important that

¹ <https://ednote.ecs.org/assessments-will-likely-show-covid-19-related-learning-loss-then-what/>

² <https://www.oregon.gov/ode/schools-and-districts/grants/Documents/CARES%20Act/ESSER%20III/State%20Plan/ARP%20ESSER%20Oregon%20State%20Plan%206.7.21.pdf>

these students be provided the necessary supports for their educational needs, family environment, income, and geographical location that are varied and unique to the State of Oregon. This waiver will allow Oregon WIOA Youth Programs to serve more in-school youth who have been most impacted by the pandemic. This engagement will help students to stay engaged in school and identify an education or career pathway for successful transition after high school completion.

Goal – Stimulate the Oregon economy.

Expected outcome – This waiver will allow more in-school youth the opportunity to receive paid work-based learning opportunities through work experience, internships, and occupational skills training. In the first 12 weeks of the pandemic, 450,000 claims for unemployment benefits were submitted. Those with a lower level of education, high school diploma or less, have been hit particularly hard and make up 56% of claimants while consisting of 28% of the labor force.³ As vaccinations roll out and Oregon begins to open back up, in-school youth can be engaged through WIOA in paid work experience, benefitting not only themselves and their families, but the economy as well.

Goal – Provide WIOA Program Services to a larger percentage of low-income youth, youth of color, and youth with disabilities.

Expected Outcome – Early in the pandemic, 30% of low-income Black households reported that they or someone in their household had lost work during the shutdown.⁴ ODE reports that enrollment declines were the largest among American Indian/Alaska Native students at 6.3%. ODE also reports that American Indian/Alaska Native and Black/African American students are twice as likely to not be regularly attending school than White students.⁵ This waiver will allow WIOA program staff to partner with Oregon high schools to identify students who are most in need, provide necessary services, and leverage federal funding for positive results.

Goal – Serve more in-school youth in rural communities.

Expected Outcome – In the remote areas of Oregon, schools are often the only way to connect with students. Once students leave school, they are difficult to locate. It is important that WIOA program staff have the opportunity to coordinate WIOA program supports for more in-school rural youth while they are still attending school.

Programmatic Outcomes from Implementation of the Waiver:

ODE is implementing summer learning programs to provide summer academic and enrichment opportunities for school-aged children. Youth who would normally be out-of-school during the summer months would be considered in-school youth if they participated in a summer learning program. It is more important than ever to be able to reengage those youth in school and provide them with the supports they need to be successful.

Due to the loss of instructional time from the COVID-19 shutdown, many students are now credit deficient. Providing these students with work experience opportunities can provide them with elective

³ <https://www.qualityinfo.org/-/who-are-the-covid-19-unemployed-in-oregon->

⁴ <https://www.princeton.edu/news/2020/11/30/covid-19-shutdowns-disproportionately-affected-low-income-black-households>

⁵ <https://www.oregon.gov/ode/schools-and-districts/grants/Documents/CARES%20Act/ESSER%20III/State%20Plan/ARP%20ESSER%20Oregon%20State%20Plan%206.7.21.pdf>

and required credits to help put them on a path towards graduation. Oregon's unemployment rate is slightly lower than the nation's due to the government instituting more restrictive health measures with the brunt of layoffs occurring in the leisure and hospitality industry.⁶ Leisure and hospitality workers are younger and have lower educational attainment than those in other industries. They are also more likely to be enrolled in school than workers in other industries.⁷ As vaccinations roll out, consumers are returning to their past activities such as dining out, shopping, and recreational activities, which will greatly increase the need for businesses to find employees. Being able to engage more in-school youth in work experience opportunities will help Oregon in its economic recovery efforts. It will not only provide businesses with employees so they can serve more customers, but also puts money in the hands of young people.

An Oregon Student Health Survey conducted in 2020 found that 47.8% of 11th graders ranked their emotional and mental health as fair or poor. That is up 9.1% from 2019. The survey also found that in 2020 41.3% of 11th graders felt so sad or hopeless almost every day for two weeks or more in a row that they stopped doing some usual activities. That is up 5% from 2019.⁸

Approval of this waiver will allow Oregon WIOA Youth Programs the opportunity to develop stronger relationships and partner directly with additional local high schools, alternative schools, parents, community organizations, post-secondary education/training partners and local industry to provide additional and necessary services to those in-school students who are at most risk of dropping out.

Individuals, groups or populations impacted by the Waiver:

Providing drop-out prevention services to more in-school youth will impact populations including, but not limited to:

1. Oregon's at-risk youth
2. Low-income families
3. Oregon economy
4. Oregon taxpayers
5. Rural communities
6. Local workforce development boards
7. Contracted service providers
8. Teachers and school counselors

Monitoring Waiver Implementation:

Annual WIOA on-site programmatic reviews will include an evaluation of the impact of the waiver on local programs to ensure programmatic goals and outcomes are being met. Additionally, State staff will periodically examine the effectiveness of this waiver. This strategy ensures that the goals described above, as well as those outlined in Oregon's WIOA State Plan, are consistent with established objectives of the WIOA and federal and state regulations.

Notice to Local Boards and Public Comment:

Concurrent with the submission of this waiver request, the state will notify all nine Local Workforce Development Board directors of the State's intent of this request. Upon approval of the waiver, HECC-OWI will issue a Policy Statement notifying all Local Workforce Development Boards that this practice

⁶ <https://oregoneconomicanalysis.com/2021/04/13/oregon-employment-march-2021/>

⁷ https://www.oregon.gov/workforceboard/talent/Documents/Social%20Distancing%20Effects%20Report_09_09_2020.pdf

⁸ <https://www.oregon.gov/ode/schools-and-districts/grants/Documents/CARES%20Act/ESSER%20III/State%20Plan/ARP%20ESSER%20Oregon%20State%20Plan%206.7.21.pdf>

will be implemented effective immediately. Local Workforce Development Boards will be provided a copy of this waiver request and given the opportunity to contact the Office of Workforce Investments prior to submission of Oregon's WIOA State Plan modification to discuss and have input on the waiver request. All local boards will also have access to the draft State Plan modification and opportunity to comment during the public review and comment period as outlined in WIOA regulations at 20 CFR 676.135(c). Oregon will collect and report information about waiver outcomes in the State's WIOA Annual Report.

Respectfully submitted on XX/XX/XXXX. (DATE TDB)

Kurt Tackman
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Office of Workforce Investments
HIGHER EDUCATION COORDINATING COMMISSION

DRAFT