

VI. PROGRAM-SPECIFIC REQUIREMENTS FOR CORE PROGRAMS

The State must address all program-specific requirements in this section for the WIOA core programs regardless of whether the State submits either a Unified or Combined State Plan.

PROGRAM-SPECIFIC REQUIREMENTS FOR ADULT, DISLOCATED WORKER, AND YOUTH ACTIVITIES UNDER TITLE I-B

The Unified or Combined State Plan must include the following with respect to activities carried out under subtitle B—

A. GENERAL REQUIREMENTS

a. REGIONS AND LOCAL WORKFORCE DEVELOPMENT AREAS

A. IDENTIFY THE REGIONS AND THE LOCAL WORKFORCE DEVELOPMENT AREAS DESIGNATED IN THE STATE

Tennessee has nine (9) local workforce development areas and three grand regions - East, Middle, and West as identified in State Workforce Development Board Policy- One-Stop System Design. The map below depicts the designations across the State. LWDAs Northeast, Southeast, and East comprise the East Region, LWDAs Upper Cumberland, Northern Middle, Southern Middle comprise the Middle Region, and LWDAs Southwest, Northwest, and Greater Memphis comprise the West Region.



Figure 5A – Nine TN Local Workforce Development Areas (LWDAs)

A. DESCRIBE THE PROCESS USED FOR DESIGNATING LOCAL AREAS, INCLUDING PROCEDURES FOR DETERMINING WHETHER THE LOCAL AREA MET THE CRITERIA FOR “PERFORMED SUCCESSFULLY” AND “SUSTAINED FISCAL INTEGRITY” IN ACCORDANCE WITH 106(B)(2) AND (3) OF WIOA. DESCRIBE THE PROCESS USED FOR IDENTIFYING REGIONS AND PLANNING REGIONS UNDER SECTION 106(A) OF WIOA. THIS MUST INCLUDE A DESCRIPTION OF HOW THE STATE CONSULTED WITH THE LOCAL BOARDS AND CHIEF ELECTED OFFICIALS IN IDENTIFYING THE REGIONS

The State Workforce Development Board (SWDB) elected in February 2018 to review the alignment of Tennessee’s Local Workforce Development Areas (LWDA). The decision to review the alignment partially arose from a local government requesting to change LWDA’s to better align their resources with Tennessee’s Economic Development regions.

During the time from February 2018 up to the SWDB quarterly meeting on May 11, 2018, the SWDB completed an extensive analysis of our workforce development areas, federal and state resources, and labor market data. Furthermore, the SWDB reviewed Tennessee’s capacity to serve citizens in the areas of workforce development, economic development, and access to higher education and training services. As part of this analysis, input was sought from local county mayors, local workforce development board chairs, and community leaders across the state. The public meetings focused on aligning LWDA’s with the ECD Base Camps and also demonstrated how the shift would coincide with the adult education and career pathways regions. The parties were also informed of the analysis and considerations being made by the SWDB in terms of labor market analysis and workforce trends. The major takeaway from each of these meetings was that Tennessee needs to further enhance its regional development capacities and optimize opportunities to share and leverage resources in the areas of workforce development partnerships while continuing to create access to services and opportunities in rural areas.

Upon completion of this analysis, at their May 11th SWDB meeting, the board elected to recommend realignment of the current thirteen LWDA’s with the nine ECD Base Camps supporting the state vision of regional service delivery/alignment.

Each area is assessed annually for both programmatic and fiscal integrity to determine that the Local Workforce Development Areas are performing the required responsibilities within compliance. Any activities that are not in compliance are addressed through corrective action. If any actions are considered egregious, then further sanctions are applied as identified in the State Workforce Development Board Policy- Sanctions for Failure to Meet Federal and State Standards.

The letter below was signed by Governor Bill Haslam on May 24, 2018 to realign the LWDA’s.



BILL HASLAM
GOVERNOR
STATE OF TENNESSEE

May 24, 2018

To: Tennessee County Mayors
CC: Local Workforce Development Board Chairs
Burns Phillips III, Commissioner of Labor and Workforce Development
State Workforce Development Board Members
Re: Realignment of Local Workforce Development Board Areas

As I outlined in my State of the State address in January 2018, Tennessee has experienced great success in education, workforce development, and job growth. We are on a pathway to meet our Drive to 55 goal two years early, which means 55 percent of Tennesseans will have a postsecondary degree by 2023. Tennessee has a job growth rate greater than 17 percent, far above the national average, with nearly 400,000 net new private sector jobs created since 2011. Last year, more Tennesseans had a job than at any other point in state history. Additionally, we ranked first in the nation for new jobs resulting from foreign direct investment. And, during 2017 alone, 45 percent of Tennessee's new job commitments were located in our rural communities. However, in order to continue to build upon this success for future generations, there is still much work to be done.

In February 2018, the State Workforce Development Board (SWDB) elected to review the alignment of Tennessee's Local Workforce Development Areas (LWDAs). The impetus for looking at statewide realignment partially arose from a local government, Grundy County, requesting to change its LWDA in order to better align its resources with Tennessee's Economic Development Job Base Camps (ECD Base Camps). After recommending that Grundy County shift from LWDA 6 to LWDA 5 to better serve its citizens, it was apparent that we needed to conduct a comprehensive alignment analysis of all our LWDAs.

During the time period from February 2018 to the SWDB quarterly meeting on May 11, 2018, the SWDB staff completed an extensive analysis of the state's workforce development areas, federal and state resources, and labor market data. Furthermore, the SWDB reviewed Tennessee's capacity to serve our citizens in the areas of workforce development, economic development, and access to higher education and training services. As part of this analysis, leadership from Tennessee's Department of Labor and Workforce Development sought input from local county mayors, local workforce development board chairs, and community leaders across the state. The meetings focused on aligning LWDAs with the ECD Base Camps and also demonstrated how the shift would coincide with the adult education and career pathways regions. The parties were also informed of the analysis and considerations being made by the SWDB and Workforce Services staff in terms of labor market analysis and workforce trends. The major takeaway from each of these meetings was that Tennessee needs to further enhance its regional development capacities and optimize opportunities to share and leverage resources in the areas of

Figure 5B - Letter-TN Realignment of LWDAs- p1 of 2

workforce development partnerships while continuing to create access to services and opportunities in rural areas.

Upon completion of this analysis, at its May 11 SWDB meeting, the board elected to recommend realignment of the current thirteen LWDAs with the nine ECD Base Camps supporting my vision of streamlining and aligning regional service delivery. Upon careful consideration and deliberation with our state agencies, partners, and local leaders, I have moved to adopt the recommendation of the SWDB to realign the current thirteen LWDAs to align with the nine ECD Base Camps effective July 1, 2018. We must align our resources to allow for a more efficient and effective government and bring forth innovation and best practices that will help Tennessee lead the nation in jobs, education, and government efficiency.

I am confident that through this realignment of the LWDAs, our local leaders and partners will be better able to work together in the areas of workforce, education, and economic development. The realignment will also continue to increase access to higher education and training opportunities, while enhancing services for citizens in rural areas. The realignment enables our agencies to deliver services and manage public resources in a sound, fiscally conservative manner. The principles of working together, exploring innovation, living within our fiscal means—while providing opportunities to our citizens—have led to Tennessee's recent successes. As we move into the future—and face a rapidly changing world in technology, workforce, and business—these principles will be vital to Tennessee's future successes. Tennessee can and will lead in the area of workforce development.

In the event of any dissent with this realignment, you may file an appeal pursuant to the Workforce Innovation and Opportunity Act (29 U.S.C. § 3121). Such appeal must be in writing and directed to Todd Skelton, Deputy Counsel to the Governor, via email at Todd.Skelton@tn.gov within 14 calendar days of the date of this letter.

Thank you for your continued commitment to promoting the economic and workforce development of communities across the state.

Sincerely,



Bill Haslam
Governor

Figure 5C - Letter-TN Realignment of LWDAs- p2 of 2

A. PROVIDE THE APPEALS PROCESS REFERRED TO IN SECTION 106(B)(5) OF WIOA
RELATING TO DESIGNATION OF LOCAL AREAS

State Policy information regarding this full process can be found in DESIGNATION OF LOCAL WORKFORCE DEVELOPMENT AREA TN-WIOA (15-1). The content of this policy is as follows: The Workforce Innovation and Opportunity Act (WIOA) require the Governor, in partnership with the State Board and in consultation with the Chief Elected Officials (CEOs), to develop a policy for initial designation of the Local Workforce Development Areas. WIOA requires that existing federally recognized workforce areas are designated during the first two program years; this designation is referred to as Initial Designation. The WIOA states that a unit of general local government (including a combination of such units) or a grant recipient that requests but are not granted designation of an area as a local area, may submit an appeal to the State board under the appeal process established in this policy. The public comment period must offer adequate time for public comment prior to designation of the local workforce development area and it must provide an opportunity for representatives of interested business, education, and labor organizations to have input into the development of the formation of the local area.

Appeals Process

The State Workforce Development Board (SWDB) has created a process to appeal decisions made by the SWDB through the State Workforce Development Board Policy- Sanctions for Failure to Meet Federal and State Standards. This policy describes the process to appeal decisions to the SWDB as well as appeal processes to the Secretary for the US Department of Labor. That policy and process can be located at:

https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WFS_Policy-Sanctions_for_Failure_to_Meet_Federal_and_State_Standards-08-27-2021_s.pdf

Note: this policy is currently under revision and will be presented to SWDB for updating during Q1 2024.

The One-Stop Infrastructure Governor’s Guidance describes the appeals process for Infrastructure Funding as follows:

1. The Governor, through assistance of the State Workforce Development Board, will make the final determination of each required partner’s proportionate share of statewide infrastructure costs under the State funding mechanism.
2. Any required partner may appeal the Governor’s determination on the basis of a claim that:
 - a. The Governor’s determination is inconsistent with the proportionate share requirements of 20 CFR 678.735(a) or;
 - b. The Governor’s determination is inconsistent with the cost contribution caps described in 20 CFR 678.735(c) and 678.738.
3. The process will ensure resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of 20 CFR 683.630.
4. An appeal must be made within 21 days of the Governor’s determination and must be submitted formally, in writing, by registered mail no later than the 21st day from the date of receipt of the notice of denial or revocation.

b. STATEWIDE ACTIVITIES

A. PROVIDE STATE POLICIES OR GUIDANCE FOR THE STATEWIDE WORKFORCE DEVELOPMENT SYSTEM AND FOR USE OF STATE FUNDS FOR WORKFORCE INVESTMENT ACTIVITIES

Through the oversight of the State of Tennessee’s State Workforce Development Board (SWDB), State policies are implemented to provide guidance on the make-up of the workforce system under WIOA. The SWDB votes on and approves policies on a quarterly basis that help guide the structure of the workforce system to include how each Local Workforce Development Board (LWDB) governs and how they are to utilize allocated workforce system funding. Currently, the State has implemented 90+ policies, guidance, memorandums, and manuals. These policies are updated quarterly, if necessary, with new or amended policies as determined by the SWDB and uploaded on the State website for the public and LWDBs to review. The policy that specifically address the use of State funds for workforce investment activities is labeled Requesting Additional WIOA Funds. These policies can be located at:

<https://www.tn.gov/workforce/contact-the-department0/boards---commissions/boards---commissions-redirect/state-workforce-development-board/wioatechnicalassistance.html>

B. DESCRIBE HOW THE STATE INTENDS TO USE GOVERNOR'S SET ASIDE FUNDING. DESCRIBE HOW THE STATE WILL UTILIZE RAPID RESPONSE FUNDS TO RESPOND TO LAYOFFS AND PLANT CLOSINGS AND COORDINATE SERVICES TO QUICKLY AID COMPANIES AND THEIR AFFECTED WORKERS. STATES ALSO SHOULD DESCRIBE ANY LAYOFF AVERSION STRATEGIES THEY HAVE IMPLEMENTED TO ADDRESS AT RISK COMPANIES AND WORKERS

The TN Rapid Response Program is designed to respond to layoffs and closures quickly and effectively. The State has one State Rapid Response Coordinator who processes WARNs and oversees the program.

The State has decentralized the role of response to the layoff/closure to our Local Workforce Development Boards (LWDB). The State makes available Rapid Response funds to the local areas to provide Rapid Response services to closures and layoffs in their Local Workforce Development Areas (LWDA).

Each of the 9 LWDBs shall designate a Local Rapid Response Coordinator who is responsible for responding to WARNs and any other closures or layoffs in the area. The Local Rapid Response Coordinators lead a core group of partners on the Rapid Response team. The team consists of, but is not limited to, the Coordinator, Unemployment Insurance, the One-Stop Operator, the Career Service Provider, the State Wagner-Peyser staff, and other partner staff as needed.

This team works with the company to conduct the mass meeting of the affected employees on one site when at all possible. The Coordinator, with assistance from other partners, presents information about benefits and programs the workers will be entitled to as Dislocated Workers.

This decentralized structure allows for local control to meet local needs. This also allows for quicker response times due to the coordinators being locally stationed and not centrally located in the State capitol. Additionally, this structure allows for a stronger connection between the local business and the LWDB in hopes of avoiding a layoff in the future.

Rapid Response

The Tennessee Rapid Response Program is designed to quickly and effectively respond to layoffs and closures. The State has one full-time state Rapid Response Coordinator who processes Worker Adjustment and Retraining Notifications (WARN) and oversees the program.

The role of Rapid Response for layoff/closure has been decentralized to our Local Workforce Development Boards (LWDB). Tennessee has established nine designated local workforce areas across the state. Each area has a full-time local Rapid Response Coordinator who is responsible for responding to WARNs and any other company closure or layoff located in their area. The Coordinators lead a core group of partners on the Rapid Response team that consists of but is not limited to Unemployment Insurance, the One-Stop Operator, the Career Service Provider, state Wagner-Peyser staff, other partner staff as needed, and the five Mobile American Job Center units.

Rapid Response funds are made available from the state to the local areas to provide Rapid Response services for company closures and layoffs in the Local Workforce Development Areas (LWDA). These funds are also used to assist with technological expenses such as Jobs4TN, the mobile AJC units, materials, and staff time associated with Rapid Response activities.

The specific technology features of Jobs4TN can be found with the creation of an online WARN to help employers easily access Rapid Response services when a layoff or closure occurs. This effort enhances supportive service offerings to people who need it most in these situations.

Upon receipt of an official WARN, the State Dislocated Workers Unit (DWU) will create a WARN notice in Jobs4TN. If an official WARN notice is not received but layoff information is obtained, local LWDA representatives will work with the company to provide services to the affected

employees. Once this WARN has been created, the DWU Rapid Response staff will notify the appropriate rapid response coordinator. Activities and strategies are initiated to address dislocation events that ensure rapid response access to the broad range of allowable assistance in conjunction with:

- appropriate federal, state, and local service agencies and officials;
- employer associations;
- technical or other business councils; and
- labor organizations.

The DWU serves as the central WARN contact. E-mail WARN notices are sent to local Rapid Response coordinators and appropriate partners within 24 -48 hours of receipt. The DWU works with the LWDA's to coordinate outreach efforts ensuring a comprehensive level of service to assist the participants. When Notification of WARN Information from the DWU is received, the Local Rapid Response Coordinator makes immediate contact (within 48 hours) with the employer to offer rapid response services to the company and employees. This initial contact should result in the scheduling of a planning meeting and begin the information gathering process for the Rapid Response Company Information Report. The initial planning meeting will provide the company with an overview of what information will be delivered during an employee mass meeting, scheduling for the mass meeting, and completion of the information gathering.

The mobile units, also known as Mobile American Job Centers have computers with internet, Microsoft Office Access, and copy and fax capabilities for use by job seekers. These units, allow full service, on-site facilitation of Rapid Response services. The mobile teams will coordinate activities geared to connecting employees affected by the layoffs/closings to other employment opportunities to minimize the time needed for unemployment insurance assistance.

In addition to connecting dislocated workers to employment, Rapid Response teams will work to provide participants with training opportunities through WIOA and partner programs including the higher education system. Rapid Response teams will also work with the AJCs to connect participants to apprenticeships, on-the-job trainings, and other dislocated worker re-employment activities as their needs dictate.

Layoff Aversion

As part of the State's lay-off aversion strategy, the Business Services Teams within the LWDA's are conducting direct outreach to businesses to determine the needs of current staff and provide solutions, to include training opportunities and apprenticeship programs that can increase their efficiencies and help them avoid a possible layoff.

This direct approach has proven successful in building relationships with employers and provided opportunities for them to increase the skills level of their workers and therefore preventing a temporary, or permanent, shutdown.

The State-level Director of Employer Services works with multiple partner agencies, including Adult Education and Vocational Rehabilitation in the LWDA's, both locally and regionally, to deliver coordinated and effective services to employers. Adult Education provides help to those workers who have been identified as educationally deficient through remedial instruction and testing. Vocational Rehabilitation assists those who employees who have disabilities that may hinder their efficiencies on the job as well as provide a pool of well-qualified individuals who can fill job openings as needed. As partners, we meet quarterly to organize strategies, focus on building relationships and delivering a comprehensive solution with businesses, trade

associations, community, civic, and non-profits organizations to better understand the needs of employers and provide awareness of the available services and resources.

In situations where a layoff or closure cannot be averted, basic career services are delivered to dislocated workers enabling them to transition quickly into new employment. Eligible dislocated workers may also receive training and/or education through the WIOA Title I Adult and Dislocated Worker programs or the Trade Adjustment Assistance (TAA) program.

C. IN ADDITION, DESCRIBE THE STATE POLICIES AND PROCEDURES TO PROVIDE RAPID RESPONSES IN CASES OF NATURAL DISASTERS INCLUDING COORDINATION WITH FEMA AND OTHER ENTITIES

Services Following a Disaster

If the Federal Emergency Management Agency (FEMA) organizes services for disaster victims, the Department FEMA contact will assess the need for an NDWG within 24 hours. The State will contact FEMA to secure a list of job orders required to assist disaster victims and to begin the cleanup afterward.

FEMA will set up Disaster Centers. These centers will include a career center, unemployment insurance, and WIOA job training programs. Other agencies and programs typically represented are American Red Cross, Internal Revenue Service, Tennessee Attorney General, Tennessee State Emergency Management Agency, local law enforcement, Salvation Army, Small Business Administration, Social and Rehabilitation Services and other appropriate local service organizations.

If FEMA is not involved in a local disaster, the DWU and LWDA will contact the following to organize services for disaster victims: chamber of commerce, city clerk and/or administrator, city mayor, Red Cross, Salvation Army and employers affected by the disaster. Once these contacts are made, the information regarding the services available to assist those who lost their jobs due to the disaster should be provided. A temporary office in the area may be set up to provide these services. Workers who have lost their jobs due to the disaster may be offered the following additional services:

- Classroom training
- Daycare
- Jobs at work sites, including wages and benefits
- Mileage
- On-the-job training
- Out-of-area job search and relocation
- Outreach and communications
- Tools needed for the job
- Work-related physical exams and medical exams

TDLWD has 5 mobile American Job Centers stationed across the state. In the event of a disaster, TDLWD will coordinate with TEMA, FEMA, and the LWDA's to mobilize the units to set up information and command centers in local communities to provide DWU and Rapid Response

services.

D. DESCRIBE HOW THE STATE PROVIDES EARLY INTERVENTION (E.G., RAPID RESPONSE) TO WORKER GROUPS ON WHOSE BEHALF A TRADE ADJUSTMENT ASSISTANCE (TAA) PETITION HAS BEEN FILED. (SECTION 134(A)(2)(A).) THIS DESCRIPTION MUST INCLUDE HOW THE STATE DISSEMINATES BENEFIT INFORMATION TO PROVIDE TRADE-AFFECTED WORKERS IN THE GROUPS IDENTIFIED IN THE TAA PETITIONS WITH AN ACCURATE UNDERSTANDING OF THE PROVISION OF TAA BENEFITS AND SERVICES IN SUCH A WAY THAT THEY ARE TRANSPARENT TO THE TRADE-AFFECTED DISLOCATED WORKER APPLYING FOR THEM (TRADE ACT SEC. 221(A)(2)(A) AND SEC. 225; GOVERNOR-SECRETARY AGREEMENT). DESCRIBE HOW THE STATE WILL USE FUNDS THAT HAVE BEEN RESERVED FOR RAPID RESPONSE TO PROVIDE SERVICES FOR EVERY WORKER GROUP THAT FILES A TAA PETITION.

Local Rapid Response Coordinators ensure those touched by Trade receive assistance as early as possible. RR coordinators receive notification of mass layoffs, closures, and TAA petition filings/certifications within 24 hours of official notification receipt. (WIOA Sect 134 (a))

Mass meetings in response to layoffs or closures with the potential to be Trade impacted receive information related to Trade Adjustment Assistance services. Trade-impacted workers will be provided with information on Trade petition application procedures, who may file, how to file, when to file, and what services and benefits will be available if the petition is deemed Trade impacted.

At the time the petition is certified, the State will try to provide notice to those covered by the petition through the mail, email, social media, and newspapers of general circulation in the area in which the workers reside. The notices will describe the benefits that are available for the workers to request.

Rapid Response funds will be used to carry out the statewide Rapid Response activities including in conjunction with TAA funds. When a company is Trade impacted or potentially Trade impacted, a representative will attend the mass meeting to supply the above information, using TAA funding. This will allow for the braiding of TAA funds and Rapid Response funds to serve potential TAA-impacted workers.

B. ADULT AND DISLOCATED WORKERS PROGRAM REQUIREMENTS

WORK-BASED TRAINING MODELS

If the State is utilizing work-based training models (e.g. on-the-job training, incumbent worker training, transitional jobs, and customized training) as part of its training strategy and these strategies are not already discussed in other sections of the plan, describe the State's strategies for how these models ensure high quality training for both the participant and the employer.

As part of the Governor's priority on work-based learning (WBL), the Tennessee Department of Labor & Workforce Development will continue using the current work-based training (WBT) strategy consisting of on-the-job training (OJT), incumbent worker training (IWT), apprenticeships, Individual Training Accounts (ITA), and other WBL opportunities as the base method of delivering services centered on the needs of both the participant and the employer. This strategy emphasizes a process that involves a hands-on work component that provides not only the necessary educational component required but also results in job performance outcomes [1].

A top priority is investing in our youth, and utilization of these WBL methods will be used for all WIOA Title I Programs, whenever possible, to provide the most effective environment and outcome for the student. Additionally, the Trade Adjustment Assistance program, that in the past has not utilized WBL programs, will now leverage the use of this type of instruction for eligible trade-impacted participants.

Work-based learning programs complement all apprenticeship models, including pre-apprenticeships and youth apprenticeships. The TDLWD's Apprenticeship Director is working collaboratively with the Tennessee Department of Education, High School Career and Technical Education (CTE) Departments, and the Office of Adult Education to identify employers that need to increase their talent pipeline and wish to build a WBL program. This approach will especially benefit all in-school youth participants including those enrolled in a Youth Apprenticeship program for high school CTE students aged 16 and 17. Additional program-specific details regarding the integration of apprenticeship models in Tennessee are provided below.

Out-of-school youth participants also benefit from this comprehensive strategy for work-based learning. The State Youth program has created a new framework within a Youth Strategic plan for forging stronger partnerships with area nonprofits, other state departments, and external stakeholders to develop services that allow out-of-school youth to have access to meaningful work-based learning activities. Given the barriers that impact successful employment outcomes for this population, work-based learning solutions offer the most efficient means for self-sustainability and long-term employment success. More details regarding in-school and out-of-school youth services, include work-based learning, are provided later in the Youth Services section of this plan.

[1] <https://www2.ed.gov/about/offices/list/osers/transition/products/fpt-fact-sheet--work-based-experiences--11-5-15.pdf>

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REGISTERED APPRENTICESHIP

Describe how the State will incorporate Registered Apprenticeship into its strategy for service design and delivery (e.g., job center staff taking applications and conducting assessments).

The key to growing Registered Apprenticeship programs in Tennessee continues to be providing knowledge and communication. This outreach is a multi-layered approach and includes several audiences – AJC staff, business and industry (employers), apprentices (existing and new hire employees). Under the Apprenticeship State Expansion grant, the Office of Apprenticeship will be launching a training program for all state functions that engage with employers and individual job seekers including but not limited to Regional and Executive Directors, American Job Center employees, Business Services personnel, Tennessee College System Workforce Development employees, and Economic and Community Development Regional employees. This training will provide an overview of Apprenticeships and what is required for a program to become registered as well as intensive training related to how to engage and communicate with employers regarding Apprenticeships. In addition, the Office of Apprenticeships will actively collaborate and keep an open dialog with partnering state agencies to ensure that information related to current apprenticeships, new programs and availability of training stays fluid.

Along with increasing staff members' knowledge of Apprenticeship programs and their benefits to employers, information-sharing materials with Office of Apprenticeship contact information are being developed for reference and are provided to employers as handouts. The Office of Apprenticeship will be working with the T.O.S.S. and Communications offices to develop additional informational and outreach tools, including videos, that agency staff can share with employers and workers seeking employment opportunities. These materials will be readily available for all staff members in all locations.

While the ApprenticeshipTN website launched in 2020, it continues to evolve, just as Registered Apprenticeship Programs grow. This website is a tool for staff members to locate active apprenticeship programs in TN as they work with individuals seeking employment in apprenticeship programs. Employers and job seekers also utilize the website to learn more about the benefits of Registered Apprenticeship Programs and locate staff contact information. Through our collaborative partnerships the ApprenticeshipTN website and other state agency websites are linked to present a unified effort on Apprenticeships. The Office of Apprenticeship intends to include the informational and outreach tools developed on the website for additional touch-point opportunities.

The Office of Apprenticeship has increased its staff to nine (9) positions. It will realign the positions to streamline support for the continuing increase in Registered Apprenticeship Programs. In addition to the State Director, three Regional Apprenticeship Directors, a Grants Program Manager, a Compliance Officer, and one Apprenticeship Specialist, the office will realign positions to add a Data Analyst and two support positions. The Office of Apprenticeship will seek opportunities through grants to provide additional support as needed with the growth of Registered Apprenticeship Programs.

As part of National Apprenticeship Week, the Office of Apprenticeships hosts three regional conferences across the state. Partnering agencies and employers are invited to learn more about the benefits of Registered Apprenticeship Programs. For the 10th Anniversary of National Apprenticeship Week, the Office of Apprenticeship plans to expand opportunities to focus on the benefits of apprenticeships as part of the celebration. The ApprenticeshipTN team will develop a

strategic partnering plan to reach more employers and celebrate the accomplishments of its apprentices as it provides information about the benefits of Registered Apprenticeship Programs.

Finally, to ensure engagement and alignment with business and industry, Tennessee's Apprenticeship Council was established by the State Legislature in 2021 and is composed of eleven (11) individuals appointed by the governor. Ex-officio council members are leaders of state employment and educational agencies (or their designees). The remaining members are individuals representing public and private sector employer and employee organizations and one knowledgeable public representative familiar with apprenticeships and apprenticeable occupations. In addition to advising Tennessee's Office of Apprenticeship regarding duties set forth by Tennessee's legislation, the committee is also charged with providing community outreach and education regarding the benefits of apprenticeship. The Apprenticeship Council meets quarterly and features presentation from industry leaders, review applications for new register apprenticeships across the state and advise on changes and improvements for apprenticeship opportunities across the state.

ELIGIBLE TRAINING PROVIDER LIST

Provide the procedure, eligibility criteria, and information requirements for determining training provider initial and continued eligibility, including Registered Apprenticeship programs (WIOA Section 122).

Initial Eligibility

Training providers who wish to be placed on the statewide Eligible Training Provider List (ETPL) must be initiated by completing an online New Provider Application. The Initial eligibility procedures apply to all training providers except for registered apprenticeships. After the training providers have completed their application, the local workforce development area (LWDA) that is closest to the primary location will verify the information to determine the provider's eligibility to be placed on the list of approved providers. Initial eligibility is based on the following:

- Meeting state minimum performance criteria, as approved by the State Board.
- Information concerning whether a provider is in a partnership with a business.
- Evidence that the program successfully leads to an ETPL Qualifying Credential.
- Information addressing the alignment of training with in-demand industry sectors and occupations, to the extent possible.
- Providers must provide evidence of accreditation and licensure with the appropriate state or other governing entity to have their programs listed on the ETPL.

Upon approval, the provider then enters select programs to be reviewed and approved by the Local Workforce Development Board (LWDB). Additionally, Eligible Training Providers (ETPs) must provide the following for initial eligibility:

- Description of each program of training services to be offered;
- Evidence that the program successfully leads to an ETPL Qualifying Credential;
- Cost information, including tuition and fees
- Information that addresses alignment of the training services with in-demand industry sectors and occupations, to the extent possible;
- Information related to one of the indicators of performance, which include for all students Workforce Innovation & Opportunity Act (WIOA) performance indicators (employment 2nd & 4th Quarter after exit, median earnings 2nd Quarter after exit, or credential

attainment)

After the LWDB votes on the ETP's application, written notification must be submitted to the State within ten (10) business days of the decision to add, postpone, or deny the training provider placement on the ETPL. This applies to in-state and out-of-state training providers with training programs.

- Local workforce boards may require supplemental information and may set additional eligibility criteria in their local policy.
- New training provider program applications may be submitted on any day of the year.

Continued Eligibility:

Approved training providers receive initial eligibility for one fiscal year for a particular program. After the initial eligibility expires, training providers are subject to application procedures for continued program eligibility every two years. Also, the US. Department of Labor requires the Tennessee Department of Labor and Workforce Development (TDLWD) to report on the performance of providers annually, including Tennessee's ETPL. This data-driven method ensures that all parties strive to provide prepare workers for high quality jobs. Thus, the information submitted by the providers to TDLWD will be used as criteria for assessing a program's requirement for continued ETPL eligibility.

The state minimum performance standard measures are as follows:

- WIOA student completion rate for each program must be $\geq 40\%$.
- All student completion rates for each program must be $\geq 60\%$
- WIOA student placement rate for each program must be $\geq 40\%$.
- All student placement rates for each program must be $\geq 60\%$.

As subsequent eligibility determinations are made, any program that fails to meet the minimum performance standards as established by the State will be removed from the ETPL for a minimum period of one (1) program year.

Additional continued eligibility requirements include:

- Whether the providers timely and accurately submitted all the information required for completion of eligible training provider performance reports required under WIOA 116(d)(4) and all the information required for initial and continued eligibility.
- ETP performance on WIOA performance indicators: Unsubsidized Employment 2nd Quarter or 4th Quarter after exit, median earnings, credential attainment.
- Access to training services throughout the state, including rural areas and through technology use.
- Information reported to state agencies on federal and state training programs other than WIOA Title I-B programs.
- The degree to which training programs relate to in-demand industry sectors and occupations in the state.
- State licensure requirements of training providers, and licensing status of providers of training services, if applicable.
- ETP's ability to offer quality training services leading to an ETPL Qualifying Credential.
- ETP's ability to provide trainings that are physically and programmatically accessible for individuals who are employed and individuals with barriers to employment, including individuals with disabilities.
- ETP's ability to provide training services to individuals who are employed and individuals with barriers to employment.

Providers who substantially violate the requirement to timely and accurately submit all required information for completion of the ETP performance reports required under WIOA Section 116(d)(4) and all the information required for initial and continued eligibility must be removed from the ETPL. Substantial violations include but are not limited to:

- Failure to submit annual performance reports by the deadline.
- Failure to keep current the eligible training provider and program demographic information displayed on the ETPL.
- Failure to respond to a State request for a data validation visit.
- Poor performance during a data validation visit.
- Failure to submit corrections needed following yearly report validation by the specified deadline.
- Failure to comply with State requests for information.

Any time after the initial program approval by the LWDB, the ETP - including registered apprenticeship programs - can request to have a program removed from the ETPL.

- Training providers must be made aware that specific programs may be approved for some local areas and denied for others.

Appeal Process:

If a local workforce development board denies an ETP's initial application for listing on the ETPL, the LWDB must, within thirty (30) days from the date of determination, inform the training provider in writing, including the specific reason(s) for the denial and complete information on the appeal process as established on the ETPL Policy.

A training provider wishing to appeal a decision by the LWDB must submit an appeal to the LWDB within thirty (30) days of the issuance of the denial notice. Similarly, a training provider may appeal to the State after they have exhausted the appeal process of an LWDB and are dissatisfied with the LWDB's final decision.

Upon receipt of an appeal, the State will notify the associated LWDB as well as the appealing ETP that the appeal request has been received. The ETPL state appeals review process is completed within (60) business days upon receipt of appeal. Documentary evidence will be collected from both parties and submitted to impartial members of the ETPL State Appeals Committee for review. The LWDB and the appealing ETP will receive an explanation of the committee's ruling in writing. The LWDB enacts the committee's ruling within (10) business days.

Registered Apprenticeship:

Registered Apprenticeship programs (RAP) are not subject to the same application and performance information requirements or a period of initial or continued ETPL eligibility as other training providers. To be included on the ETPL, RAPs must express interest by opting-in. Local areas must add them without applying any additional eligibility requirements that applies to other types of training providers.

RAPs must provide information necessary to verify the registration status for the RAP by providing certification of registration available in RAPIDS 2.0. The ETP coordinator may work with the state office of apprenticeship to facilitate the process, enabling these programs to be placed on the statewide ETPL with minimal burden.

RAP sponsors who wish to be included on the ETPL can access the provider application through Jobs4TN.gov or by emailing Apprenticeship.TN@tn.gov or ETP Coordinator/general mailbox.

RAPs must provide the following basic information:

- Occupations included within the RAP
- Name and address of the RAP sponsor
- Name and address(es) of the related technical instruction provider(s) and the location(s) of instruction if different from the program sponsor's address
- Cost of the instruction, if the provider of the Related Technical Instruction is different from the program sponsor
- Method and length of instruction
- Number of active apprentices

RAPs will remain on the list as long as the program is registered or until the program sponsor notifies the TDLWD that it no longer wants to be included on Tennessee's ETPL (TEGL 8-19).

RAPs are maintained on the ETPL until:

- They are deregistered
- The RAP notifies the State that it no longer wants to be included
- The RAP is determined to have intentionally supplied inaccurate information or to have substantially violated any provision of Title I WIOA or the WIOA regulations, including 29 CFR Part 38.

RAPs are exempt from performance reporting requirements in WIOA § 116(d)(4) and 122 but are encouraged to voluntarily report performance outcomes when possible.

4. DESCRIBE HOW THE STATE WILL IMPLEMENT AND MONITOR THE PRIORITY FOR PUBLIC ASSISTANCE RECIPIENTS, OTHER LOW-INCOME INDIVIDUALS, AND INDIVIDUALS WHO ARE BASIC SKILLS DEFICIENT IN ACCORDANCE WITH THE REQUIREMENTS OF WIOA SEC. 134(C)(3)(E), WHICH APPLIES TO INDIVIDUALIZED CAREER SERVICES AND TRAINING SERVICES FUNDED BY THE ADULT FORMULA PROGRAM

The monitoring of priority of services is carried out through our on-site monitoring visits of programs and governance. The monitoring of these and other required services are guided by the State's monitoring review guide updated annually to describe the methods of how monitoring activities will be conducted. A Priority of Service guidance has been provided to Local Workforce Development Boards (LWDBs) to instruct how to carry out the priority of service of the adult and veteran populations. The guidance also instructs the LWDBs to create a policy on how this will be carried out within their respective area.

The guidance can be located at:

<https://www.tn.gov/workforce/contact-the-department0/boards---commissions/boards---commissions-redirect/state-workforce-development-board/wioatechnicalassistance.html>

Flags for the priority populations required under WIOA already exist in TN's Virtual One Stop (VOS) case management system, and our staff user guides emphasize edit-checked methods of intake, determinations of eligibility, and we prepared for transition through system generated extract files which listed the frequencies of priority enrollments by region and local areas. Then using WIOA eligibility business rules, we migrated enrollments eligible for priority of service into VOS. Our system user guides, and digital training guides prepared local and partner staff in the points of priority of service. Our system reports available to all, and prepared in accordance with WIOA statutory requirements, have been put in place.

Adult Education will coordinate with the adult and dislocated worker programs in order to provide assessment, adult education and literacy activities, and training opportunities where possible. When determining if individuals are eligible for the training services under WIOA

§134, adult education will rely on the determination of the adult and dislocated worker program. If individuals are determined to be eligible under those programs, adult education can be assistive in the provision of services.

If adult and dislocated participants need to be assessed to determine education, Adult Education can be assistive in proctoring TABE or CASAS assessments. When a participant is determined to need basic skills education/remediation, Adult Education can enroll the participant in classes to provide instruction for basic skills improvement. In the event that the participant(s) are in an area where a local provider has established training opportunities, the participant(s) could qualify for training services under integrated education and training (and supportive services if necessary).

5. DESCRIBE THE STATE'S CRITERIA REGARDING LOCAL AREA TRANSFER OF FUNDS BETWEEN THE ADULT AND DISLOCATED WORKER PROGRAMS

WIOA sec. 133(b)(4) provides the authority for local workforce areas, with approval of the Governor, to transfer up to 100 percent of the Adult Activities funds for expenditure on Dislocated Worker Activities, and up to 100 percent of Dislocated Worker Activities funds for expenditure on Adult Activities. States and local workforce areas do not have the authority to transfer funds to or from the Youth Activities program. For further details on TDLWD's criteria on the above referenced transfer authority, please refer to Workforce Services Policy – Transfer Authority.

https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/Completed_WFS_Policy_-_Transfer_Authority_-_WIOA.PDF

C. WITH RESPECT TO YOUTH WORKFORCE INVESTMENT ACTIVITIES AUTHORIZED IN SECTION 129 OF WIOA—

1. IDENTIFY THE STATE-DEVELOPED CRITERIA TO BE USED BY LOCAL BOARDS IN AWARDING GRANTS OR CONTRACTS FOR YOUTH WORKFORCE INVESTMENT ACTIVITIES AND DESCRIBE HOW THE LOCAL BOARDS WILL TAKE INTO CONSIDERATION THE ABILITY OF THE PROVIDERS TO MEET PERFORMANCE ACCOUNTABILITY MEASURES BASED ON PRIMARY INDICATORS OF PERFORMANCE FOR THE YOUTH PROGRAM AS DESCRIBED IN SECTION 116(B)(2)(A)(II) OF WIOA IN AWARDING SUCH GRANTS OR CONTRACTS.

The local boards will adhere to the procurement policy issued by the TN Department of Labor & Workforce Development – Workforce Services Division that outlines competitive procurement through a request for proposal (RFP) process for one-stop operators, career service providers, and youth providers.

The local workforce development board (LWDB) must identify eligible youth providers for the local workforce development area (LWDA) by awarding grants or contracts on a competitive basis based on the recommendation of the youth standing committee. Youth standing committee members must disclose any and all conflicts of interest with bidder's staff, including, but not limited to, family ties (spouse, child, parent, sibling) fiduciary roles, employment or ownership interests in common.

When awarding grants or contracts to youth service providers, the local boards must follow, at minimum, the following criteria:

1. Proposals must include a detailed outline of how the bidder will execute youth

- elements identified in the RFP;
2. Proposals must demonstrate the bidder's ability to deliver services to the targeted population in accordance with locally established guidelines;
 3. Proposals must demonstrate whether the organization leverages community-based resources, including partnerships with organizations that provide leadership development, mentoring services and private sector employment involvement
 4. Proposals must highlight the bidder's experience in engaging at risk youth in similar activities; and
 5. Proposals must illustrate the understanding of and commitment to meeting goals and objectives established by local board.

WIOA requires an inclusive comprehensive service delivery through executed MOUs and agreements. TDLWD, through partner engagement meetings, have created a team of agencies to review local and regional plans for alignment and gap identification- TDLWD will include core partners in the evaluation and monitoring of career services providers to ensure all Tennesseans are receiving adequate high-quality linkage to the workforce system, and supportive services to achieve completion.

2. DESCRIBE THE STRATEGIES THE STATE WILL USE TO ACHIEVE IMPROVED OUTCOMES FOR OUT-OF-SCHOOL YOUTH AS DESCRIBED IN 129(A)(1)(B), INCLUDING HOW IT WILL LEVERAGE AND ALIGN THE CORE PROGRAMS, ANY COMBINED STATE PLAN PARTNER PROGRAMS INCLUDED IN THIS PLAN, REQUIRED AND OPTIONAL ONE-STOP PARTNER PROGRAMS, AND ANY OTHER RESOURCES AVAILABLE.

The State recognizes as a top priority investing in youth, and as it specifically pertains to out-of-school youth, individual service plans will identify the participants' needs and interests and seek to coordinate the optimum blend of services and funding to achieve the participant's goals for success. This success plan can include, but is not limited to, the indication of a work experience opportunity, career pathway program of study, and any of the other 14 program elements. This model is an integrated structure of programs and services intended to:

- develop basic, technical and employability skills;
- provide continuous education and training; and
- offer work supports that lead to high-demand job opportunities in targeted sectors

The State recognizes the importance of strategic partnerships and will continue to collaborate with partner agencies and organizations to develop a program design that fosters alignment of services and streamlines services for all youth entering the workforce and seeking to continue their education. A Youth Engagement Plan is being drafted that will set forth strategies and priorities to leverage partnerships and strengthen the pipeline between employers and youth.

Also, the State intends to expand funding opportunities to nonprofits and other entities that are currently serving at-risk youth and have established programs and services that align with the one or more of the 14 youth program elements. The State will also produce a comprehensive youth program framework in which the local boards and entities will use to construct the design and delivery from a local perspective. The combined efforts for the aforementioned items will contribute to the improved outcomes for the growing number of out-of-school youth participants.

Tennessee will utilize multiple strategies for improving the outcome for the out-of-school youth population. This includes utilizing a common WIOA intake process that will collect demographic participant information for the four core programs and additional partners. The State will review opportunities for implementing a common referral system that allows all partners and additional organizations the ability to refer participants into the WIOA system. Being able to

utilize one referral portal will increase access to programs and foster co-enrollment amongst programs.

The State will continue to hold monthly partner meetings to ensure all partners, core and required, are aware of program operations and fostering alignment across program enrollment and service delivery. These meetings will also serve as a collaborative report-out on local youth activities, partner program engagement, sharing best practices and exploring potential expansion in partnership with non-core partners.

To expand and sustain the focus on youth work experience, the department is utilizing state fund to support the Summer Youth Employment Program (SYEP) to serve all youth (including those not WIOA-eligible) between the ages of 14-24. This program will provide opportunities for work experience in all fields of employment and include the involvement of local workforce boards as well as community organizations across the state. With the first round of funding being available in FY23, there was a “soft launch” of the program held for summer 2023, including community partners such as Peer Power in Memphis and the Urban League, and Big Brothers & Big Sisters across multiple cities in the state. As the department prepares for a full launch of the program in Q2 2023, more community partners will be engaged, expanding the opportunities to put more youth to work across the state.

While work experience has been a historical program element under WIOA youth services, this addition of state funding allows the department to maximize WIOA funds for other services needed by out-of-school youth with minimal restrictions. The program design allows for the participants wages and other liabilities to be covered by the grant while the employer focuses on providing quality work experience training, soft skills training and real-life experience on their work site. This program will help the State learn best practices to implement for the WIOA Youth program and expand resources to support businesses who employ youth.

Tennessee’s longitudinal data system tracks data across all core programs, as well as additional information related to education, child services, and human services. This system facilitates collaboration across the core programs and partner organizations, which has resulted in improved planning and strategy development. The reports produced from the longitudinal system assist with federal and state reporting. Currently, multiple state agencies and higher education systems are engaged in a study to better understand the social and economic outcomes of Tennesseans that would qualify as WIOA Youth.

The State Workforce Board has established a key priority for collaborative engagement and cross-training of service provider staff. The goal of this effort is to simplify the intake process for participants, regardless of the serve entry point, which in turn provides an efficient delivery of comprehensive services for citizens with multiple barriers to employment.

To complement our strategies and initiatives for out-of-school youth, as well as proactively mitigate the risk of a growing youth population, the state has placed an emphasis on serving in-school youth. Studies have demonstrated the long-term impacts – positive – on youth and young adults when they are engaged in meaningful work experiences or related activities. Additionally, Tennessee has made aggressive steps toward improving access to postsecondary opportunities, as well work-based learning activities. To expand the partnership strategy to core program partners and other stakeholders, the state has launched Summer Youth Employment Program for in-school and out-of-school youth that (1) clarify career pathways in their respective regions, (2) engage multiple agencies to merge resources to increase program success, and (3) foster local collaboration with relevant stakeholders. The Tennessee partners have also set a goal to establish specialized American Job Centers located in high schools to provide services to youth as well as their families.

Tennessee Department of Education (TDOE) (Carl D. Perkins Vocational and Technical Education) and Tennessee Department of Labor and Workforce Development share a common vision that all students should have the opportunity to high quality, and rigorous programs of study aligned to industry and employer needs. Currently career and technical education in Tennessee is comprised of sixteen (16) Career Clusters or industry sectors:

- Advanced Manufacturing
- Agriculture, Food, and Natural Resources
- Architecture and Construction
- Arts, Audio/Visual Technology, and Communications
 - Business Management and Administration
 - Education and Training 86
 - Finance
- Government and Public Administration
- Health Science
- Hospitality and Tourism
- Human Services
- Information Technology
- Law, Public Safety, Corrections, and Security
- Marketing, Distribution, and Logistics
- STEM (science, technology, engineering, and mathematics)
- Transportation.

These programs of study are designed to lay a strong foundation that prepares the student to enter the aligned career field or progress into a postsecondary program for advanced training. At the postsecondary level, these programs are designed to provide advanced training and offer the credentials an individual need to prosper under the economic and workforce demands of Tennessee. The “Best for All” rally cry for Tennessee is inclusive of our adult learners known as out- of- school youth (OSY) through Governor Lee’s charge for all Tennessee state agencies to successfully develop and implement a comprehensive workforce strategy collectively that will benefit Tennessee employers, individuals seeking career opportunities; and future employers looking to expand or locate in the Volunteer state.

3. DESCRIBE HOW THE STATE WILL ENSURE THAT ALL 14 PROGRAM ELEMENTS DESCRIBED IN WIOA SECTION 129(C)(2) ARE MADE AVAILABLE AND EFFECTIVELY IMPLEMENTED, INCLUDING QUALITY PRE-APPRENTICESHIP PROGRAMS UNDER THE WORK EXPERIENCE PROGRAM ELEMENT. [12]

[1] Sec. 102(b)(2)(D)(i)(I)

The State will conduct annual monitoring as outlined in State’s most current monitoring guide. Regular quarterly desktop reviews of Youth enrollments will also continue, with results and Technical Assistance (if necessary) communicated to each local area. Utilizing the WIOA Youth Supplement Core Monitoring Guide and other tools deemed applicable, staff will evaluate the local areas implementation of the program to include processes that inform and make available all 14 program elements. Additional details on pre-apprenticeship programs are provided in the section above related to Registered Apprenticeships and connections to the K-12 system.

TDLWD understands that WIOA cannot be the only solution in ensuring seamless industry alignment and opportunities for all Tennesseans. TDLWD will explore opportunities to deepen our partnership and service delivery through other agencies such as; Mental Health and Substance Abuse, Department of Children Services, and Department of Education by executing interagency agreements and memorandum of understandings to leverage/support

existing programs for specific underserved populations.

4. PROVIDE THE LANGUAGE CONTAINED IN THE STATE POLICY FOR “REQUIRING ADDITIONAL ASSISTANCE TO ENTER OR COMPLETE AN EDUCATIONAL PROGRAM, OR TO SECURE AND HOLD EMPLOYMENT” CRITERION FOR OUT-OF-SCHOOL YOUTH SPECIFIED IN WIOA SECTION 129(A)(1)(B)(III)(VIII) AND FOR “REQUIRING ADDITIONAL ASSISTANCE TO COMPLETE AN EDUCATION PROGRAM, OR TO SECURE AND HOLD EMPLOYMENT” CRITERION FOR IN-SCHOOL YOUTH SPECIFIED IN WIOA SECTION 129(A)(1)(C)(IV)(VII). IF THE STATE DOES NOT HAVE A POLICY, DESCRIBE HOW THE STATE WILL ENSURE THAT LOCAL AREAS WILL HAVE A POLICY FOR THESE CRITERIA.

Through observation and input from local areas, the State will not be defining in the State Plan or policy the definition of “requiring additional assistance to enter or complete an educational program, or to secure and hold employment” criterion. Instead, it will be outlined in State policy for local areas to ensure there is a definition for this criterion in local youth policy. Local areas must also outline required documentation for this criterion. This will help the local areas address specific employment and educational barriers that are unique to the youth of the local area.

Local areas must provide evidence supporting the “requires additional assistance” barrier prior to the approval of any local policy. The state will issue guidance, submission instructions and additional resources to assist local areas in identifying and determining community and regional needs. The State will also support local areas in creating meaningful partnerships with non-traditional/mandated partners to assist in identifying the population identified and the tools/resources needed to remove barriers.

5. INCLUDE THE STATE DEFINITION, AS DEFINED IN LAW, FOR NOT ATTENDING SCHOOL AND ATTENDING SCHOOL AS SPECIFIED IN WIOA SECTION 129(A)(1)(B)(I) AND SECTION 129(A)(1)(C)(I). IF STATE LAW DOES NOT DEFINE “NOT ATTENDING SCHOOL” OR “ATTENDING SCHOOL,” INDICATE THAT IS THE CASE AND PROVIDE THE STATE POLICY FOR DETERMINING WHETHER A YOUTH IS ATTENDING OR NOT ATTENDING SCHOOL.

TN Code Annotated defines types of schools (TCA 49-6-3001, 49-6-401, 49-7-2003) and State policy defines “attending school” and “not attending school.” Outlined in policy, the State has defined “attending school” as: An individual is considered to be attending school if the individual is enrolled in a secondary school or registered for credit-bearing courses at a post-secondary institution. Such schools and/or institutions include, but are not limited to: Tennessee Colleges of Applied Technology, community colleges, four (4) year college/university, traditional K-12 public and private, and alternative schools (e.g. continuation, magnet, charter, and home schools). State policy defines “not attending school” as: An individual who is not attending a secondary or post-secondary institution.

IF USING THE BASIC SKILLS DEFICIENT DEFINITION CONTAINED IN WIOA SECTION 3(5)(B), INCLUDE THE STATE DEFINITION WHICH MUST FURTHER DEFINE HOW TO DETERMINE IF AN INDIVIDUAL IS UNABLE TO COMPUTE OR SOLVE PROBLEMS, OR READ, WRITE, OR SPEAK ENGLISH, AT A LEVEL NECESSARY TO FUNCTION ON THE JOB, IN THE INDIVIDUAL’S FAMILY, OR IN SOCIETY. IF NOT USING THE PORTION OF THE DEFINITION CONTAINED IN WIOA SECTION 3(5)(B), INDICATE THAT IS THE CASE.

The State defines basic skills deficiency in policy as an individual that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted

standardized test or is unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society, is considered basic skills deficient. To determine if this is the case, the individual must be given the most recent versions of a TABE, CASAS or other formalized testing instruments designed to measure skills- related gains. Local boards must ensure that any formalized testing used is valid, reliable, appropriate, fair, cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results.

D. SINGLE-AREA STATE REQUIREMENTS

In States where there is only one local workforce investment area, the governor serves as both the State and local chief elected official. In such cases, the State must submit any information required in the local plan (WIOA section 106(d)(2)). States with a single workforce area must include—

1. ANY COMMENTS FROM THE PUBLIC COMMENT PERIOD THAT REPRESENT DISAGREEMENT WITH THE PLAN. (WIOA SECTION 108(D)(3).)

2. THE ENTITY RESPONSIBLE FOR THE DISBURSAL OF GRANT FUNDS, AS DETERMINED BY THE GOVERNOR, IF DIFFERENT FROM THAT FOR THE STATE. (WIOA SECTION 108(B)(15).)

3. A DESCRIPTION OF THE TYPE AND AVAILABILITY OF WIOA TITLE I YOUTH ACTIVITIES AND SUCCESSFUL MODELS, INCLUDING FOR YOUTH WITH DISABILITIES. (WIOA SECTION 108(B)(9).)

N/A

4. A DESCRIPTION OF THE ROLES AND RESOURCE CONTRIBUTIONS OF THE ONE-STOP PARTNERS.

N/A

5. THE COMPETITIVE PROCESS USED TO AWARD THE SUBGRANTS AND CONTRACTS FOR TITLE I ACTIVITIES.

N/A

6. HOW TRAINING SERVICES OUTLINED IN SECTION 134 WILL BE PROVIDED THROUGH INDIVIDUAL TRAINING ACCOUNTS AND/OR THROUGH CONTRACTS, AND HOW SUCH TRAINING APPROACHES WILL BE COORDINATED. DESCRIBE HOW THE STATE WILL MEET INFORMED CUSTOMER CHOICE REQUIREMENTS REGARDLESS OF TRAINING APPROACH.

N/A

7. HOW THE STATE BOARD, IN FULFILLING LOCAL BOARD FUNCTIONS, WILL COORDINATE TITLE I ACTIVITIES WITH THOSE ACTIVITIES UNDER TITLE II. DESCRIBE HOW THE STATE BOARD WILL CARRY OUT THE REVIEW OF LOCAL APPLICATIONS SUBMITTED UNDER TITLE II CONSISTENT WITH WIOA SECS. 107(D)(11)(A) AND (B)(I) AND WIOA SEC. 232.

N/A

8. COPIES OF EXECUTED COOPERATIVE AGREEMENTS WHICH DEFINE HOW ALL LOCAL SERVICE PROVIDERS WILL CARRY OUT THE REQUIREMENTS FOR INTEGRATION OF AND ACCESS TO THE ENTIRE SET OF SERVICES AVAILABLE IN THE ONE-STOP DELIVERY SYSTEM, INCLUDING COOPERATIVE AGREEMENTS WITH ENTITIES ADMINISTERING REHABILITATION ACT PROGRAMS AND SERVICES.

N/A

E. WAIVER REQUESTS (OPTIONAL)

States wanting to request waivers as part of their title I-B Operational Plan must include a waiver plan that includes the following information for each waiver requested:

1. IDENTIFIES THE STATUTORY OR REGULATORY REQUIREMENTS FOR WHICH A WAIVER IS REQUESTED AND THE GOALS THAT THE STATE OR LOCAL AREA, AS APPROPRIATE, INTENDS TO ACHIEVE AS A RESULT OF THE WAIVER AND HOW THOSE GOALS RELATE TO THE UNIFIED OR COMBINED STATE PLAN;
2. DESCRIBES THE ACTIONS THAT THE STATE OR LOCAL AREA, AS APPROPRIATE, HAS UNDERTAKEN TO REMOVE STATE OR LOCAL STATUTORY OR REGULATORY BARRIERS;
3. DESCRIBES THE GOALS OF THE WAIVER AND THE EXPECTED PROGRAMMATIC OUTCOMES IF THE REQUEST IS GRANTED;
4. DESCRIBES HOW THE WAIVER WILL ALIGN WITH THE DEPARTMENT'S POLICY PRIORITIES, SUCH AS:
 - A. SUPPORTING EMPLOYER ENGAGEMENT;
 - B. CONNECTING EDUCATION AND TRAINING STRATEGIES;
 - C. SUPPORTING WORK-BASED LEARNING;
 - D. IMPROVING JOB AND CAREER RESULTS, AND
 - E. OTHER GUIDANCE ISSUED BY THE DEPARTMENT.
5. DESCRIBES THE INDIVIDUALS AFFECTED BY THE WAIVER, INCLUDING HOW THE WAIVER WILL IMPACT SERVICES FOR DISADVANTAGED POPULATIONS OR INDIVIDUALS WITH MULTIPLE BARRIERS TO EMPLOYMENT; AND
6. DESCRIBES THE PROCESSES USED TO:
 - A. MONITOR THE PROGRESS IN IMPLEMENTING THE WAIVER;
 - B. PROVIDE NOTICE TO ANY LOCAL BOARD AFFECTED BY THE WAIVER;
 - C. PROVIDE ANY LOCAL BOARD AFFECTED BY THE WAIVER AN OPPORTUNITY TO COMMENT ON THE REQUEST;
 - D. ENSURE MEANINGFUL PUBLIC COMMENT, INCLUDING COMMENT BY BUSINESS AND ORGANIZED LABOR, ON THE WAIVER.
 - E. COLLECT AND REPORT INFORMATION ABOUT WAIVER OUTCOMES IN THE STATE'S WIOA ANNUAL REPORT.

7. THE SECRETARY MAY REQUIRE THAT STATES PROVIDE THE MOST RECENT DATA AVAILABLE ABOUT THE OUTCOMES OF THE EXISTING WAIVER IN CASES WHERE THE STATE SEEKS RENEWAL OF A PREVIOUSLY APPROVED WAIVER.

Please see following two (2) State of Tennessee Waiver Requests:

1) Out-of-School Youth Expenditure, and

2) Individual Training Account for At-Risk In-School Youth

#1 - Waiver Subject: Out-of-School Youth Expenditure

Statutory and Regulatory Requirement:

Statutory and Regulatory Requirement:

Tennessee is seeking a waiver of Section 129(a)(4)(A) and 20 CFR 681.410 which requires not less than seventy-five percent (75%) of funds allocated 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 seventy-five percent (75%) of funds available to local areas under subsection (c) shall be used to provide youth workforce investment activities for out-of- school youth (OSY).

Background:

Tennessee has many initiatives that are supporting individuals in their pursuit of post-secondary education in order to propel themselves and their families to self-sufficiency and increased social mobility. TN workforce initiative Drive to 55 – the Drive to get 55 percent of Tennesseans equipped with a college degree or certificate by the year 2025 – has increased the higher education enrollments and demands all agencies to answer the call for support. TN Promise, one initiative under Drive to 55, offers high school graduates two years of tuition-free education for community or technical college. TN Pathways is the K-12 initiative under Drive to 55 and supports alignment among K-12, postsecondary, and industry to provide students with relevant education and training to jumpstart their postsecondary degrees and credentials.

Waiver Request:

Reducing the percentage of expenditures for out-of-school youth from seventy-five percent (75%) to fifty percent (50%) would allow the State and Local Workforce Development Boards (LWDBs) ability to meet the needs of In-school youth (ISY) in the local demographic area. The State is requesting liganacy in the expenditure requirement for the specific barrier to effectively serve and assist in the success of our Governor's Drive to 55 initiatives (TN Reconnect and TN Promise), our Governor's Investment in Vocational Education (GIVE) Act, TN Department of Education (Carl D. Perkins Vocational and Technical Education) initiatives and other ISY focused initiatives.

Reason for the Request:

The seventy-five percent {75%} OSY expenditure requirement limits the ability of the State and local areas to:

- Consider local demographic needs and direct resources to youth population determined to have the highest need for that area.
- Effectively support TN Governor's initiatives and partner with State agencies.

- Prevent at-risk ISY from dropping out of school and from increasing the number of OSY in the State.

Actions Undertaken to Remove State or Local Statutory or Regulatory Barriers:

We would like to continue utilizing the flexibility of the waiver beyond program year 2022. Currently, no state or local statutory or regulatory barriers exist. The State of Tennessee regulation and policy statements are in compliance with current federal law and/or approved waivers.

Goals and Outcomes:

As data collected becomes available the state will provide the latest outcome:

- The approval of this waiver would permit LWDBs the opportunity to determine how best to meet the educational and training needs of youth, regardless of school status, and specific to the population, geographical location, and economic and employment conditions of each LWDA.
- Additionally, increasing support to ISY while maintaining a focus on serving OSY will help develop a larger pool of young people qualified and prepared to meet the current and future needs of employers in their workforce areas and throughout the state

Individuals impacted by this Waiver:

- The ISY who will receive the services as described in WIOA Section 123; Section 129(c)(2) and 20 CFR 681.420.
- Tennessee's youth providers that will increase the number of ISY receiving services based on the demography of the ISY in the local workforce area and across TN.

Description of the Monitoring Process:

Tennessee Department of Labor and Workforce Development (TDLWD) and youth providers will be responsible for monitoring the increase of in-school participation rate during the annual monitoring on-site and desktop review.

Opportunity for Local Board and Public Comment on Waiver Request:

The waiver request will be included in TN's Combined State Plan and posted on the TDLWD's website for thirty (30) days and for public review and comment, and for comments from our partners. Consistent with general waiver request requirements, TDLWD is adhering to publication requirements to ensure the broadest participation possible including informing appropriate youth program partners such as schools, labor and community-based organizations.

Waiver #1 Feedback and Revisions requested Friday April 3, 2020:

1. **75 Percent OSY Expenditure Requirement** **The State must provide:**

a. More discrete projected outcome information;

The approval of this waiver would permit LWDBs the opportunity to determine how best to meet the educational and training needs of youth, regardless of school status, and specific to the population, geographical location, and economic and employment conditions of each LWDA. It is the goal that partnerships with the local workforce boards and school districts will increase by five percent over the duration of the waiver.

Additionally, increasing support to ISY while maintaining a focus on serving OSY will help develop a larger pool of young people qualified and prepared to meet the current and future needs of employers in their workforce areas and throughout the state. It is the goal that the success rate of in-school youth completing work-based learning programs increases 10 percent of the duration of the waiver. It is also the goal to steadily increasing services to in-school youth across the State through intentional partnerships by 10 percent over the duration of the waiver.

b. Evidence that the State met its goals (performance results) for its last waiver approval;

The data regarding performance results for the last waiver approval would be available through the WIRED division.

c. Evidence that the state and/or local areas are in jeopardy of missing 75 percent OR information on past years' attempts to reach 75 percent. (If the data shows the State is spending it, what is the data behind the request?);

The State currently has a waiver for program year 2022 and 2023 for a 50 percent expenditure rate for out-of-school youth. The State is meeting that requirement. The State is requesting this waiver to continue utilizing the 50 percent expenditure rate to allow for increased services to youth participating in early postsecondary opportunities, work-based learning programs and Governor driven initiatives such as Tennessee Reconnect and Drive to 55.

d. Description of how the State will continue to serve OSY;

The State will continue to develop and maintain Statewide partnerships with organizations that have a heavy focus on the young adult population facing significant barriers to education and employment that will disseminate to local boards. For example, the State is currently delving into exploratory conversations with the TN Urban League, which are in the four major metropolitan areas of TN that houses the highest concentration of WIOA eligible youth. We are exploring how their connection and services can be shared with local boards in the area to assist with reaching and serving eligible youth, and they are participating in the Summer Youth Employment Program initiative as a partner.

#2 - Waiver Subject: Individual Training Account for At-Risk In-School Youth

Statutory and Regulatory Requirement:

Tennessee is seeking a waiver of 20 CFR 681.550 and WIOA Section(c)(2)(D) that allows Individual Training Accounts (ITA) for in-school youth (ISY) ages 14-21.

Background:

Tennessee has served both in-school and out-of-school youth (OSY) since the inception of WIOA. With the economy of Tennessee improving and the unemployment data remaining at a low-level post-pandemic, workforce development can effectively use this situation to connect with employers to provide ITAs to at-risk ISY. This juncture of low unemployment in the state will enable the at-risk youth to cultivate their skills in a work- educational environment and give them direction of what they want to do once they leave school. The Individual Training Account provides the at-risk youth a wide variety of choices for skills development with an employer. Including enrollment in a community college providing classroom training coupled with hands on experience for a successful employment in the area the youth will excel.

Waiver Request:

Request to allow Tennessee to provide ITAs to at-risk ISY and to provide work-based training opportunities, including pre-apprenticeships, along with high-quality occupational training.

Reason for the Request:

Youth determined at-risk by the educational institution are not given an opportunity to develop work-skills through the use of work-based training services. Providing ITAs for these at-risk youth will lead to a high school diploma or industry recognized credential and result in skills development including employment opportunities leading to self-sufficiency. It will also decrease the number of school drop-outs in the state. Providing ITAs to at-risk ISY will also allow for better service integration with TN's Governor initiatives such as Drive to 55, Governor's Investment in Vocational Education (GIVE) Act, and TN Department of Education (Carl D. Perkins Vocational and Technical Education) initiatives.

Actions Undertaken to Remove State or Local Statutory or Regulator Barriers:

TN applied for the waiver in June 2018 and US DOL ETA granted TN this waiver request for program years 2022 and 2023. TN would like to continue utilizing the flexibility of the waiver beyond program year 2023. Currently, no state or local statutory or regulatory barriers exist. The State of Tennessee regulation and policy statements are in compliance with current federal law.

Goals and Outcomes:

- Increase the number of at-risk youth receiving ITAs in work-based programs especially pre-apprenticeship programs
- Help companies to develop new skills based on the need of business to develop young talents
- Promote sufficient pre-apprenticeship programs that youth can access
- Positive impact on all youth to attend pre-apprenticeship or any of the work-based services needed to close the gap in talent shortage, while providing hands on experience for youth
- Creates a pipeline of well-educated skilled workers entering the workforce to strengthen the State's overall economy.

Individuals impacted by this Waiver:

- Tennessee's Local Workforce Development Boards (LWDBs) that provide quality pre-apprentice services tied to demand occupations in the area.
- At-risk youth who will be positively impacted and who will be given an additional avenue that will enrich their livelihood when entering the workforce.

Description of the Monitoring Process:

- Tennessee Department of Labor and Workforce Development (TDLWD) and LWDBs will be responsible for monitoring ITAs and the type of pre-apprentice services provided to at risk youth during the annual monitoring on site and desk top review.
- Ensure work-based training programs are high-quality and meeting industry needs in conjunction with Tennessee Department of Education (Pathways TN).

Opportunity for Local Board and Public Comment on Waiver Request:

The waiver request will be included in TN's Combined State Plan and posted on the TDLWD's website for thirty (30) days and for public review and comment, and for comments from our partners. Consistent with general waiver request requirements, TDLWD is adhering to publication requirements to ensure the broadest participation possible including informing appropriate youth program partners such as schools, labor, and community-based organizations. This waiver has is developed in consultation with LWDBs.

Waiver #2 Feedback and Revisions requested Friday April 3, 2020:

2. Youth ITAs The State must provide:

a. More discrete projected outcome information;

Increasing the number of youth pre-apprenticeships by 5 percent over the duration of the waiver.

Increasing the number of in-school youth participating in work-based learning and early postsecondary opportunities by 5 percent over the duration of the waiver.

Increasing the post-secondary credential attainment rate for in-school youth.

b. Justification should be about program strategy where they are able to use the waiver and details of program design;

Providing ITAs to at-risk ISY will also allow for better service integration with TN's Governor in TN Department of Education (Carl D. Perkins Vocational and Technical Education) initiatives. The State intends to deepen the relationship with TN Board of Regents (TBR) and postsecondary institutions to support the academic needs of the students that are receiving income driven aid and continue to have unmet financial needs.

c. As a renewal, how widespread is the use of this waiver and what are the performance results?;

Areas that have had strong in-school youth partnerships and services saw an increase in utilization of ITAs ISY as well as increase successful completion rates. The State continues to collect data as technical assistance is administered to other local workforce areas who are still developing partnerships that will allow the use of ITAs for ISY.

d. Our logic has been that ITAs wouldn't be used for youth younger than 18 or who don't have their HSD yet, but in the request, TN suggests that ITAs would be helpful for getting their HSD and for getting into a pre-apprenticeship program. Please provide clarity on how ITAs would be used for younger ISY if this waiver is approved.

Under TN's Drive to 55 initiative, TN Reconnect and TN Promise provide federal aid for individuals pursuing a postsecondary degree. Tennessee Reconnect is specifically assisting adults (any age) that are returning to higher education and TN Promise is assisting high school students. In order to receive TN Promise, a youth has to apply and enroll in an eligible postsecondary institution while still in high school. In order to receive TN Reconnect, an individual must meet the independent student status via FAFSA which aligns to many of the eligibility barriers for the WIOA Title I youth program. As stated above, both initiatives are federally funded and only support the tuition aspect. Any tools, books, supplies, testing fees, etc. would not be covered with this funding. Additionally, students receiving TN Reconnect and TN Promise are often receiving Pell Grant. Pell Grant is typically awarded to low-income students. Providing support via ITAs to the youth would help ensure that they have the tools, supplies,

and other items they need in order to successfully complete their academic goals. In partnership with TN Board of Regents (TBR), data has been shared with the State that reflects that of the 40 percent enrolled receiving Pell Grant, only around 25 percent of them are graduating. For TN Promise, around 70 percent of students are receiving and only about 25 percent are graduating. Students are citing reasons such as lack of childcare, transportation, not having the funds to purchase course materials and many other challenges that prevent them from completing or starting. While the State recognizes that some of the needs cited can be covered through supportive services, the need to expand the expenditure requirement for in-school youth would allow the State to assist more of this population with those needs as well as providing ITAs to the population to cover any costs that would not be covered by other federal aid and supportive services. The federal funding above would only support those individuals that have received a high school diploma. Allowing ITAs to the in-school youth population also allows the State to support dual enrollment opportunities that high school students are participating in.

DRAFT