



Hugh McDonald
SECRETARY OF
COMMERCE

Cody Waits
EXECUTIVE
DIRECTOR OF
WORKFORCE
CONNECTIONS

ARKANSAS WORKFORCE CONNECTIONS ISSUANCE NUMBER PY 26-08

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FROM: Arkansas Workforce Development Board
Cody Waits, Executive Director – Arkansas Workforce Connections
Eddie Thomas, Director – Office of Employment & Training

TO: Local Workforce Development Boards, Chief Elected Officials & Service Providers

SUBJECT: Youth Program Element Flexibility Under Approved Waiver

Purpose

This issuance states Arkansas policy for making the fourteen Workforce Innovation and Opportunity Act (WIOA) youth program elements available to participants. It implements the waiver of WIOA section 129(c)(2), and the requirement at 20 CFR 681.470, approved by the U.S. Department of Labor for Program Years 2026 and 2027. A local area no longer needs a separate written agreement with a partner organization for each program element that is not funded with WIOA Title I youth funds. This issuance takes effect immediately.

Background

20 CFR 681.470 does not require local programs to spend WIOA youth funds on every program element. It does require that if a program element is not funded with WIOA title I youth funds, the local program must have an agreement in place with a partner organization to ensure that the program element will be offered.

Maintaining separate written agreements for every element in every local area is administratively burdensome. This waiver is not intended to reduce access to required elements, but to provide greater flexibility in how elements are coordinated and delivered.

What Is Waived and What Is Not

Waived

- The requirement at 20 CFR 681.470 that a local area have a written agreement in place with a partner organization for each of the fourteen youth program elements that is not funded with WIOA Title I youth funds.

Not waived and still in full effect

- All fourteen program elements at WIOA section 129(c)(2) and 20 CFR 681.460 must remain available to eligible youth participants. Availability is a service obligation, not a documentation obligation, and the waiver does not reduce it.

- The local board's duty under 20 CFR 681.470 to ensure that each program element is closely connected and coordinated with the WIOA youth program.
- The objective assessment and the individual service strategy at WIOA section 129(c)(1) and 20 CFR 681.420 and 681.430.
- The requirement that not less than 20 percent of youth funds be spent on work experience [WIOA sec. 129(c)(4); 20 CFR 681.590].
- Follow-up services for not less than twelve months after the completion of participation [WIOA sec. 129(c)(2)(M); 20 CFR 681.580].
- Procurement. Where WIOA Title I youth funds pay a provider for an element, a written, competitively procured agreement is still required under 2 CFR 200.317 through 200.327 and WIOA section 123. This waiver reaches only elements not funded with Title I youth funds.
- Eligibility, priority, performance accountability, and the separate renewal waivers governing out-of-school youth expenditure and Individual Training Accounts for in-school youth, which are addressed in their own issuances.

Effective Date and Duration

This issuance is effective immediately. It remains in effect through June 30, 2028, and may be extended if the waiver is renewed.

Policy

A. All fourteen program elements remain available

A local area must make each of the fourteen program elements available to a youth participant whose individual service strategy calls for it. A participant may not be told that an element is unavailable in the local area. If an element cannot be arranged locally, the case manager must escalate to Arkansas Workforce Connections (AWC), which will arrange access through a statewide resource or another local area.

B. The Element Availability Inventory replaces the agreements

In place of a written agreement for each element, each local area must maintain a single Element Availability Inventory. The inventory lists all fourteen elements, and for each one states:

1. How the element is made available: direct provision by local area staff, a procured contract paid with Title I youth funds, a partner program, or a community resource.
2. The name of each provider or partner, with a current point of contact and a working phone number or email.
3. The referral method, including whether the referral is made in a shared system, by warm handoff, or by direct scheduling.
4. Any geographic or capacity limit on availability, and how a participant outside that limit is served.
5. The date the entry was last verified.

The inventory must be reviewed and verified at least annually, and updated within thirty (30) days of any material change, including the loss of a provider. The inventory is a public document and must be provided to AWC upon adoption and after each update.

C. Coordination duty is unchanged

Removing the agreement does not remove the connection. For each program element delivered by a partner or community resource, the local board must be able to show that the element is closely connected and

coordinated with the youth program. Evidence of coordination includes a point of contact, a referral pathway, documented follow-up on referrals made, and periodic contact with the provider recorded in the inventory.

A listing in the inventory with no contact, no referral pathway, and no follow-up does not adequately ensure availability of the program element.

D. Case file documentation

For each youth participant, the individual service strategy and case notes must show:

- Which elements were discussed with the participant and which elements the assessment identified the participant needs.
- Which elements the participant was referred to or received, with dates.
- For each referral, whether the participant connected with the provider, and if not, what the case manager did next.
- Any element the participant needed that could not be arranged, and the escalation under section A.

This documentation is what demonstrates compliance in the absence of the element agreements. Case managers should understand that the file now carries the evidentiary weight the agreements used to carry.

E. Elements paid with Title I youth funds

Nothing in this issuance permits payment to a provider without a written agreement. When WIOA Title I youth funds pay for an element, the local area must procure and execute a written agreement under 2 CFR 200.317 through 200.327 and WIOA section 123 before any payment is made. The waiver applies only where the element is provided without Title I youth funds.

F. Work-based learning

The purpose of this flexibility is to allow local areas to stand up work-based learning and occupational skills training quickly in response to employer demand. A local area may develop a new paid work experience, internship, pre-apprenticeship, or employer-designed work-based learning opportunity and begin serving youth in it without first negotiating an element agreement, provided that worksite agreements, wage and hour compliance, worksite safety, and workers' compensation coverage are in place before a youth begins at a worksite. Those requirements are not waived.

Local Board Action Required

1. Build the Element Availability Inventory under section B and submit it to AWC within forty-five (45) days of the date of this issuance.
2. Review existing element agreements. An agreement may be allowed to lapse at its term where the element is not funded with Title I youth funds and the inventory documents availability. An agreement that involves payment of Title I youth funds must remain in force.
3. Conform local youth services policy to this issuance.
4. Train youth case managers and program staff on the documentation standards.
5. Distribute this issuance to local board members, the youth standing committee if one exists, the chief elected official, youth service providers, and partner organizations named in the inventory. Utilize the One-Stop Operator to identify an appropriate network of service providers for all youth elements as needed.

Policies Superseded or Affected

- State youth services policy is amended to remove the requirement for a written agreement for each

unfunded program element, and to add the Element Availability Inventory.

- Local board youth policies are superseded to the extent of conflict.

Inquiries

WIOATA@arkansas.gov

Expiration Date

June 30, 2028, unless earlier superseded as described under Effective Date and Duration.