

Mass Workforce Issuance

Workforce Issuance No. 09-83

☐ Policy ☒ Information

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Date: December 8, 2009

Subject: **Expanded Eligibility for the YouthBuild Program**

Purpose: To transmit U.S. Department of Labor Employment and Training Administration (ETA) clarification regarding eligibility for participation in the YouthBuild program.

Background: On December 4, 2009, ETA published Training and Employment Guidance Letter (TEGL) No. 11-09, Expanded Participant Eligibility for the YouthBuild Program (<http://wdr.doleta.gov/directives/attach/TEGL/TEGL11-09acc.pdf>).

The YouthBuild Transfer Act (PL 109-281; September 2006) authorized the transfer of the YouthBuild program from the Department of Housing and Urban Development (HUD) to the Department of Labor (DOL) by amending the Workforce Investment Act (WIA) of 1998.

Confusion resulted with regard to participant eligibility for the YouthBuild program because of the conflicting definition of “school dropout” under WIA and an expanded youth eligibility parameter for dropouts as defined by HUD for purposes of YouthBuild participation. WIA §101(39) defines the term as “an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.” Additionally, WIA regulations at 20 CFR 664.310, describes a youth’s dropout status as being “determined at the time of [WIA] registration” and a youth “attending an alternative school at the time of registration is not a dropout.”

However, under YouthBuild as operated by HUD, a youth who at the time of program registration had dropped out of high school, but who had subsequently enrolled in an alternative school was determined eligible for participation in the YouthBuild program. Therefore, a successful strategy of a number of HUD YouthBuild grantees, was to initially enroll dropouts into a charter school for educational services and support and then subsequently enroll them as full participants in YouthBuild.

Both the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5) of 2009 and the 2009 Omnibus Appropriations Act (P.L. 111-8) broadened the WIA YouthBuild dropout provision for PY 2008 and 2009 to allow the YouthBuild program to “serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy.”

Under these new statutory provisions, WIA YouthBuild may now, through June 30, 2010 enroll a youth as a participant who has dropped out of high school, but who subsequently enrolled in an alternative school as part of a sequential service strategy. The term “alternative school” broadly refers to schools or programs that are set up by states, school districts, or other community-based entities to serve young people who are not succeeding in a traditional public school environment. “Sequential service program” means an alternative school that is connected with a YouthBuild program and provides a year or more of educational services prior to the formal YouthBuild program supported by ETA.

NOTE: As cited above, this provision is applicable only through June 30, 2010. It is anticipated that the provision will be permanently extended since such an extension is included in both the House and Senate DOL FY 2010 appropriations bills pending before Congress. Should this eligibility provision be extended, additional guidance will be provided by ETA.

Required: Please assure that all appropriate youth service organizations and staff are informed of the contents of this issuance.

Inquiries: Inquiries should be directed to Anne Stom, ETA Division of Youth Services, Office of Workforce Investment at 202-693-3377 or stom.anne@dol.gov.