

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION WIA/Youth
	CORRESPONDENCE SYMBOL OWI
	DATE December 4, 2009

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 11-09

TO: STATE WORKFORCE AGENCIES
STATE WORKFORCE LIAISONS
STATE WORKFORCE ADMINISTRATORS
STATE AND LOCAL WORKFORCE INVESTMENT BOARDS
ALL YOUTHBUILD GRANTEES

FROM: JANE OATES 
Assistant Secretary

SUBJECT: Expanded Participant Eligibility for the YouthBuild Program

1. **Purpose.** To clarify the definition of “school dropout” as it pertains to YouthBuild program participants under the Workforce Investment Act (WIA)

2. **References.**

- Workforce Investment Act of 1998 (WIA) 20-C.F.R. 664.310
- YouthBuild Transfer Act (PL 109-281 September 2006)

3. **Background.** 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 by adding Section 173A. Under WIA, the term “school dropout” is defined as “an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent” (29 U.S.C. 2801(39)). Additionally, “A youth’s dropout status is determined at the time of registration. A youth attending an alternative school at the time of registration is not a dropout” (20 C.F.R. 664.310).

4. **Participant Definition for YouthBuild Grantees:** Under the WIA definition, if an individual had dropped out of high school, but subsequently enrolled in an alternative school (such as a charter school program), he or she would generally not be eligible to enroll in the YouthBuild program except under the 25% eligibility exception (29 U.S.C. 2918a(e)(1)(B)). However, under the prior law administered by HUD, an eligible participant could be “an individual who had dropped out of high school” which was interpreted to include individuals who had dropped out of high school and subsequently enrolled in an alternative school. A strategy used by a number of HUD YouthBuild grantees was to first enroll dropouts in a charter school and provide educational services and support. These individuals were then enrolled as full participants in the YouthBuild program.

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Both the American Recovery and Reinvestment Act, P.L. 111-5 (2009) and the 2009 Omnibus Appropriations Act, P.L. 118-8 (2009) broadened the WIA YouthBuild school dropout provision for Program Years 2008 and 2009 as follows: “The YouthBuild program may 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 statutory provisions, a YouthBuild program may now 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. 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. The term “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 entry into the formal YouthBuild program supported by ETA. This definition is intended to encompass a charter school that is connected to a YouthBuild program.

This provision is applicable to grant activities carried out through June 30, 2010. It is anticipated that the provision will be permanently extended since such an extension is included in both the House-passed and Senate Committee-reported DOL FY 2010 appropriations bills pending before Congress. Additional guidance will be issued if this eligibility criterion is extended.

- 5. Inquiries.** Questions on this Training and Employment Guidance Letter (TEGL) may be addressed to Anne Stom, Supervisory Workforce Development Specialist, Division of Youth Services, Office of Workforce Investment, at (202) 693-3377 or stom.anne@dol.gov.