

Out-of-School Youth Policy

Reference:

Workforce Investment Act (WIA), Sec. 101 and 129, 20 CFR: 664.300, 664.310, 664.320, TEGL 17-05.

Background:

At least 30% of youth funds (except for local area expenditures for administrative purposes) must be used to provide activities to out-of-school youth.

Action:

After the 10 day public review period, this policy is considered final. Questions and comments should be submitted in writing to Jan Fox, Policy Coordinator, jan.fox@nebraska.gov.

Policy:

An **out-of-school youth** is defined as an eligible youth who:

- is a school dropout, or
- has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed or underemployed

For NEworks reporting purposes, this includes all youth except those who are:

- attending any school and have not received a secondary school diploma or its recognized equivalent, or
- attending postsecondary school and are not basic skills deficient

A **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

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

Attending an Alternative School

A youth's dropout status is determined at the time of participation. A youth attending an alternative school at the time of participation is not a dropout. An individual who is out of school at the time of participation and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 30% expenditure requirement for out-of-school youth.

Youth Funds – 30% Requirement

The requirement of using at least 30% of youth funds to provide activities to out-of-school youth applies to the total amount of all funds allocated to a local area for youth activities [WIA sec. 128(b)(2)(A) or (b)(3)], except for local area expenditures for administrative purposes [20 CFR 667.210(a)(2)]. Although it is not necessary to ensure that 30% of such funds spent on summer employment opportunities (or any other particular element of the youth program) are spent on out-of-school youth, the funds spent on these activities are included in the total to which the 30% requirement applies.

There is a limited exception under which certain small States may apply to the Secretary of Labor to reduce the minimum amount that must be spent on out-of-school youth [WIA section 129(c)(4); 129(c)(4)(B)]. A State that receives a minimum allotment under the law may reduce the 30% requirement for a local area if:

1. after an analysis of the eligible youth population in the local area, the State determines the local area will be unable to meet the 30% requirement due to the low number of out-of-school youth
2. the State submits to the Secretary of Labor, for the local area, a request including a proposed reduced percentage for purposes of the 30% requirement, and the summary of the eligible youth population analysis
3. the request is approved by the Secretary of Labor

Nebraska does not have a Waiver for this exception.