**WIOA Young Adult Programs**

# Chapter17: IMPLEMENTING WAIVER FOR SERVING HOMELESS/Foster CARE In-School Youth (ISY)

## Summary:

Guidelines for implementing the Minnesota waiver under the Workforce Innovation and Opportunity Act (WIOA) to reduce the out-of-school expenditure requirement from 75 percent to 60 percent

Initially granted in June 2020, the waiver was renewed by the U.S. Department of Labor to continue the homeless waiver allowing the state to continue offering local Workforce Development staff increased spending on in-school youth identified as homeless and/or in the foster care system and, in return, reduce the statutory OSY spending requirement from 75 percent to 60 percent. The renewed waiver is valid through June 30, 2024 and applies to WIOA Youth Formula Grant funding for Program Years 2022 and 2023.

Relevant Laws, Rules or Policies

[Workforce Innovation and Opportunity Act (Public Law 113-128)](http://www.gpo.gov/fdsys/pkg/PLAW-113publ128/html/PLAW-113publ128.htm)

[WIOA Final Rule (Dated 08-19-2016)](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf)

[WIOA Final Rule: Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (Dated 08-19-2016)](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf)

[TEGL 11-11 and Associated Changes (originally issued 11-11-11)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9313)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-14 (Dated 3-26-15)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4244)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 8-15 (Dated 11-17-15)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6073)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 21-16 (Dated 3-2-17)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7159)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 7-18 (Dated 12-19-18)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4255)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 14-18 (Dated 3-25-19)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7611)

[U.S. Dept. of Labor Training and Employment Notice No. 22-19 (Dated 4-3-20)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8754)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 10-16, Change 2 (Dated 9-15-22)](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2010-16%20Change%202/TEGL%2010-16%20Change%202.pdf)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-19, Change 1 (Dated 10-25-22](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2019/TEGL%2023-19%20Change%201/TEGL%2023-19%2C%20Change%201%20%28Complete%20document%29.pdf))

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 9-22 (Dated March 2, 2023)](https://www.dol.gov/agencies/eta/advisories/tegl-09-22)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-19, Change 2 (Dated 5-12-23)](https://www.dol.gov/agencies/eta/advisories/tegl-23-19-change-2)

Letter from the U.S. Dept of Labor, June 1, 2020 (attached)

Effective Date

7/1/2022

Last Updated

5/31/2023

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## Policy:

The approved waiver request permits Minnesota WDAs who choose to participate to expend a minimum of 60 percent (instead of 75 percent) of their PY22 and PY23 WIOA Youth Funds on Out of School Youth, on the condition that the WDA targets Homeless and/or Foster Care In-School Youth, who meet the following definition:

**A participant is considered to be homeless at the time of enrollment** if he/she meets one or more of the following:  
  
(a) Lacks a fixed, regular, and adequate nighttime residence; this includes a participant who:  
  (i) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (includes “couch-hopping”);  
  (ii) is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;  
  (iii) is living in an emergency or transitional shelter;  
  (iv) is abandoned in a hospital; or  
  (v) is awaiting foster care placement;  
  
(b) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as a car, park, abandoned building, bus or train station, airport, or camping ground;  
  
(c) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent’s or parent’s spouse’s seasonal employment in agriculture, dairy, or fishing work; or   
  
(d) Is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e., runaway youth).    
  
This definition does not include a participant imprisoned or detained under an Act of Congress or State law.  A participant who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be considered homeless.

**A youth is in foster care if the individual:**

Is in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 USC 677), or in an out of home placement

**Local Areas Choosing to Not Participate in the Homeless/Foster Youth ISY Waiver**

Participation is voluntary at the local level; however, those WDAs that choose to NOT provide enhanced services to homeless/foster care ISY will still be required per federal law to meet (or exceed) the 75 percent out-of-school expenditure requirement.

**Opting In to the Homeless/Foster Youth ISY Waiver**

WDAs must request the waiver separately for each program year and will be required to answer additional narrative questions (included in ATTACHMENT 1) and prepare a budget which will be included in the local plan

Contact Kay Tracy ([Kay.Tracy@state.mn.us](mailto:Kay.Tracy@state.mn.us)) or Lynn Douma ([Lynn.Douma@state.mn.us](mailto:Lynn.Douma@state.mn.us)) to request the required forms for implementing this waiver.

Related Links

[WIOA Young Adult Website](https://mn.gov/deed/youth)

**U.S. DEPARTMENT OF LABOR LETTER APPROVING WAIVER**



# Attachment 1H

# Workplan: Youth Program Service Delivery Design Addendum to Enhance Services to In-School Youth (ISY) Who Are Homeless or in Foster Care

# (Applies to WIOA Youth funded programs ONLY)

**IMPORTANT NOTE: The waiver granted by the U.S. Department of Labor to the State of Minnesota allows WDAs the option to enhance services to homeless, in-school youth and foster care youth who are in school and reduce the statutory requirement for OSY expenditures from 75 percent to 60 percent. Please complete the following questions and send it to DEED for review and approval. Once approved, this will be incorporated into your existing workplan. A separate budget template is also included and must be used in place of the ”regular” budget form traditionally used by WDAs.  
  
Questions to be completed:**

1. Please describe your WDA’s strategies for outreach and recruitment of homeless in-school youth and/or in-school youth in foster care.
2. Identify school district(s) you would anticipate working with to recruit homeless, in-school youth and in-school foster care youth.
3. What services would you anticipate may need to be provided above and beyond what you are already offering?