


**MEMORANDUM**

**DATE:** May 24, 2023

**TO:** Local Workforce Development Board Executive Directors

**FROM:** Kathryn Nelson, Chief, Bureau of One-Stop and Program Support 

**SUBJECT:** Waivers for Workforce Innovation & Opportunity Act Out-of-School Youth Expenditure Requirement and Use of Individual Training Accounts for In-School-Youth

The Florida Department of Economic Opportunity (DEO) requested that the Secretary of the U.S. Department of Labor waive the requirement at Workforce Innovation and Opportunity Act (WIOA) Section 129(a)(4)(A) and 20 Code of Federal Regulations (CFR) 681.410 which requires the state and local workforce development boards (LWDBs) to expend 75 percent of the Governor's reserve youth funds and local formula youth funds on out-of-school youth (OSY). DEO specifically requested to lower the OSY expenditure requirement to 50 percent for Governor's reserve youth funds and local formula youth funds.

DEO also requested that the Secretary waive the requirement at 20 CFR 681.550 that limits the use of Individual Training Accounts (ITA) to OSY. DEO specifically requested to allow WIOA ITAs to also be used for in-school youth (ISY).

On March 9, 2023, the U.S. Department of Labor, Employment and Training Administration approved both waiver requests for Program Year (PY) 2022 and PY 2023. Therefore, effective immediately for PY 2022 and PY 2023, LWDBs may:

1. Lower the local youth formula funds expenditure requirement from 75 percent to 50 percent for OSY. As a result of this waiver, DEO expects that the number of ISY served will increase, and performance accountability outcomes for overall WIOA Youth (including both ISY and OSY) will remain steady or increase for the majority of the WIOA Youth performance indicators.
2. Utilize ITAs for ISY, ages 16-21. As a result of this waiver, DEO expects that local implementation of this waiver should not impede the LWDB's efforts to prioritize OSY, including outreach to the OSY population.

DEO is in the process of updating [Administrative Policy 095 – Youth Program Eligibility](#) to reflect the reduced expenditure requirement. In the interim, LWDBs are encouraged to update local operating procedures and policies to align with the guidance provided herein.

If you have any questions or concerns, please contact the WIOA Program Team at [WIOA@DEO.MyFlorida.com](mailto:WIOA@DEO.MyFlorida.com) or Christa Nelson at [Christa.Nelson@DEO.MyFlorida.com](mailto:Christa.Nelson@DEO.MyFlorida.com) or 850-245-7492.

The approved waiver requests and response letters can be viewed [here](#).

Please share this information with the appropriate staff and other interested parties.

KN/dr

cc: Dan McGrew  
Keantha B. Moore  
Dee Robinson  
Isabelle Potts  
Shawn Brown