

OCT 13 2009



The Honorable John Hoeven  
Governor of North Dakota  
State Capitol  
Bismarck, North Dakota 58505-0001

Dear Governor Hoeven:

As part of North Dakota's modification to the State Plan for Title I of the Workforce Investment Act (WIA) and the Wagner-Peyser Act, the State submitted waiver plans to request that the State's waivers of statutory and regulatory requirements under WIA be approved for the remainder of Program Year (PY) 2009 (copy enclosed). These requests are written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appears to meet the standard for approval at 20 CFR 661.420(e). The following is the disposition of the State's submission. This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, Subtitles B and E, and sections 8-10 of the Wagner-Peyser Act.

In the letter dated June 29, 2009, ETA granted North Dakota approval of the following waivers through June 30, 2010:

- Waiver of the prohibition at 20 CFR 664.510 on the use of Individual Training Accounts for older and out-of-school youth.
- Waiver to permit the State to replace the performance measures at WIA Section 136(b) with the common measures.
- Waiver of the provision at 20 CFR 663.530 that prescribes a time limit on the period of initial eligibility for training providers.

The approvals for these waivers remain in effect. The letter dated June 29, 2009 granted a temporary extension for North Dakota's remaining waiver request. The previous approval of the extension is hereby terminated and replaced by decision set forth in this letter.

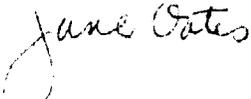
Requested Waiver: Waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis.

The State previously was granted a waiver of WIA Section 123 that requires that providers of Youth program elements be selected on a competitive basis. The State did not submit a request to extend this waiver. The waiver approval period has lapsed, and expires as of the date of this letter.

This waiver decision is incorporated by reference into the state's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State Plan. A copy of this letter should be filed with the state's WIA Grant Agreement and the approved State Plan.

We look forward to continuing our partnership with you and achieving better workforce outcomes. If you have any questions related to the issues discussed above, please contact Joseph Juarez, the Regional Administrator for Region IV, at 972-850-4601 or [Juarez.Joseph@dol.gov](mailto:Juarez.Joseph@dol.gov).

Sincerely,



Jane Oates  
Assistant Secretary

cc: Doug Harris, Federal Project Officer for North Dakota, ETA Dallas Regional Office  
Joseph Juarez, Regional Administrator, ETA Dallas Regional Office