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# Youth Eligibility Requirements

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## PURPOSE

The purpose of the policy is to provide guidance in determining participant eligibility for Workforce Innovation and Opportunity Act (WIOA) youth programs administered by Pacific Gateway Workforce Innovation Network (Pacific Gateway).

## BACKGROUND

The WIOA Section 129 (a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible to participate in the WIOA youth program an individual must be determined an Out-of-school youth or an In-school youth. Determining whether youth are eligible to participate in the WIOA youth program involves multiple factors including age, school status, barriers to employment, and other eligibility requirements.

## POLICY

Every WIOA participant who receives WIOA youth program funded services must be determined eligible for enrollment. The guidelines indicated within this policy describe WIOA mandated youth-eligibility requirements for enrollment into the WIOA youth program.

Different eligibility criteria apply to In-School Youth (ISY) and Out-of-School Youth (OSY) and the determination of school status is the first eligibility criterion that determines if a youth is to be designated ISY or OSY. School status is determined at the time of program enrollment and remains the same throughout the youth's participation in the WIOA program.

### A. General Eligibility Criteria

To participate in the WIOA youth program, all youth must meet the general eligibility requirements:

- A U.S. citizen or non-citizen authorized to work in the U.S;
- Military Selective Service registration requirements, if applicable; and
- Meet either the WIOA Out-of-School Youth or In-School Youth eligibility requirements.

### B. Out-of-School Youth Eligibility

To receive services as an OSY an individual must meet the following eligibility criteria:

- Not attending any secondary or postsecondary school (Refer to Definitions).
- Age 16 to 24 years old at time of enrollment.
- One or more of the following barriers:
  - A school dropout.

- A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter (as defined by the local school district).
- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual **and** is either basic skills deficient or an English language learner.
- An offender (Refer to Definitions).
- A homeless individual or a runaway.
- An individual in foster care or has aged out of the foster care system, or who attained at 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
- An individual who is pregnant or parenting, including non-custodial parents.
- An individual with a disability.
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

### C. In-School Youth Eligibility

To receive services as an ISY an individual must meet the following eligibility criteria:

- Attending school, including secondary and postsecondary (Refer to Definitions).
- Age 14 – 21 years old (unless an individual with a disability who is in an Individualized Education Program (IEP)).
- A low-income individual.
- Meets one or more of the following barriers:
  - Basic skills deficient.
  - An English language learner
  - An offender (Refer to Definitions)
  - A homeless individual or a runaway,
  - An individual in foster care or has aged out of the foster care system, or who attained at 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
  - An individual who is pregnant or parenting, including non-custodial parents.
  - An individual with a disability.
  - A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

### D. Low-Income

All ISY and some categories of OSY must meet low- income guidelines to qualify for WIOA services (unless they qualify under the 5% window/low income exception). Low-income is defined as:

#### 1. Public Assistance

An applicant who receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance.

2. Free or Reduced Lunch

Eligible to receive a free or reduced price lunch under the Richard B Russell National School Lunch Act. In Schools where the whole school automatically receives free or reduced price lunch, WIOA programs must base low-income status on an individual student's eligibility to receive free or reduced price lunch or the youth's ability to meet one of the other low-income categories under WIOA.

If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualification.

3. Living in a High Poverty Area

WIOA contains a new provision that allows for youth living in a high-poverty area to automatically meet the low-income criterion. A high-poverty area is defined as a Census tract or a county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data. The youth's physical address must be used to determine the high poverty area. The ACS 5-Year data can be accessed on the U.S. Census Fact Finder website to determine the poverty rate.

4. Homeless Individual

A homeless individual who meets the criteria as defined in:

- Violence Against Women Act of 1994, Section 41403(6)
- McKinney-Vento Homeless Assistance Act, Section 725(2)

5. Foster Child

A foster child on behalf of whom State or local government payments are made.

6. Individual with a Disability (ISY Only)

An individual with a disability whose own income meets the income requirement but who is a member of a family whose income exceeds the income requirement.

7. Low-Income/Family Size Determination

The individual receives an income, or is a member of a family that received a total family income, for the six-month period prior to WIOA registration, that does not exceed the higher of the poverty line or 70 percent of the lower living standard income level.

E. Low-Income Exception

The WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low-income. This includes:

- ISY who is not low-income but would otherwise qualify as ISY; or
- OSY who is not low-income but:
  - Is recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient; or an English language learner; and/or
  - Requires additional assistance to enter or complete an educational program or to secure or hold employment.

The five percent must be calculated based on the percent of newly enrolled youth during a program year who would ordinarily be required to meet the low-income criterion. The calculation should not be based upon all youth since not all OSY are required to be low-income. The five percent low-income exception cannot exceed five percent of all WIOA participants served in a given program year.

Approval for the low-income exception requires written approval from the WIOA Youth Manager. The approval must be maintained with the eligibility/enrollment documentation in the participant's file.

#### F. Requires Additional Assistance

Under WIOA, no more than five percent of ISY enrolled in a given program year may be found eligible based solely on meeting the criterion "Requires Additional Assistance". An individual (both ISY and OSY) who requires additional assistance to complete an educational program or to secure or hold employment is defined by the Pacific Gateway Workforce Development Board as a youth who meets one or more of the following criteria:

- Has repeated at least on secondary grade level or is one year over age for grade.
- Has a core grade point average (GPA) of less than 1.5.
- Is an emancipated youth.
- Has aged out of foster care.
- Is a previous dropout or has been suspended five or more times or has been expelled.
- Has received a court/agency referral mandating school attendance.
- Is deemed at risk of dropping out of school by a school official.
- Has been referred to or is being treated by an agency for a substance abuse related problem.
- Has experienced recent traumatic events, is a victim of abuse or resides an abusive environment as documented by a school official or other qualified professional.
- Has serious emotional, medical or psychological problems as documented by a qualified professional.
- An OSY who has never held a job or held a full-time job for more than 13 consecutive weeks.
- An OSY who has been fired by a job within the 12 months prior to application.
- Has a parent or legal guardian that is incarcerated.
- Involved in gang activities or resides in a high intensity gang activity area.
- Parents have a history of chronic unemployment, including living in a family with long-term public assistance.
- Has actively been seeking employment for at least 2 months, but remains unemployed or underemployed. This includes a youth with no employment history, with limited work experience, and/or actively seeking full-time employment, but have only achieved part-time employment.

The WIOA Youth Manager must approve all In-School Youth and Out-of-School Youth who have been deemed as an individual who requires additional assistance. Documentation supporting the criterion must be submitted when requesting approval and maintained in the participant's file.

#### G. Definitions

**Adult Education** – academic instruction and education services below the postsecondary level that increases an individual's ability to: read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to postsecondary education and training; and obtain employment (WIOA Section 203).

**Alternative School** – an alternative school is a type of school designed to achieve grade-level (K-12) standards and meet student needs (EC Section 58500). Example of alternative schools include, but

are not limited to, continuation, magnet, and charter schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

**Attending School** – an individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School Youth (ISY) if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, they youth is considered Out-of-School Youth (OSY) if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered ISY if they are enrolled to continue school in the fall (TEGL 21-16).

**Not Attending School** – an individual who is not attending a secondary or postsecondary school. In addition, individuals enrolled in the following programs would be considered an OSY for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
  - A youth attending a high school equivalency program funded by the K-12 school system who is classified by the school system as still enrolled in school are the exception; the youth would be considered as ISY (Title 20 CFR Section 681.230).
- Non-credit bearing postsecondary classes only (TEGL 21-16).
- A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).

**Postsecondary School** – California community colleges, and accredited public and private universities [EC Section 66010).

**School** – any secondary or postsecondary school (Title 20 CFR Section 681.230). These include but are not limited to, traditional K-12 public schools and private schools (e.g., continuation, magnet, charter and home).

**Secondary School** – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include an education beyond grade 12 (Title 20 U.S.C Section 1401[27]).

**School Dropout** – an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent (WIOA Section 3[54]. Per TEGL 8-15, this term does not include individuals who dropped out of postsecondary school.

**Offender** – an adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial (WIOA Section 3[38]).

**Individual with a Disability** –An individual with 1) A physical or mental impairment that substantially limits one or more major life activities of such individual; 2) A record of such an impairment; or 3) Being regarded as having such an impairment (Americans with Disabilities Act Section 12012 1,3 and WIOA Section 3[25]).

**Homeless Individual** – as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and

2. Includes an individual who:
  - a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; is living in an emergency or transitional shelter; is abandoned in a hospital; or 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; or
  - c. Migratory children who qualify as homeless because the children are living in circumstances defined in Section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399.

**Homeless Child or Youth** – as defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))

1. An individual who lacks a fixed, regular, and adequate nighttime residence; and
2. Includes children and youth who:
  - a. Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations; are living in an emergency or transitional shelter; are abandoned in a hospital; or are awaiting foster care placement;
  - b. Have 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;
  - c. Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
  - d. Migratory children who qualify as homeless because the children are living in circumstances defined in Section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399.

**Foster Youth** – an individual in foster care or has aged out of the foster care system, or who has attained 16 years of age and left foster care for kinship guardianship or adoption; a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677); or an individual who is an out of home placement.

**Basic Skills Deficient/Low Levels of Literacy** — who is a youth, that the individual who has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or who is a youth or adult, that the individual is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society (WIOA Section 3[5]).

**English Language Learner (ELL)** – an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and - (A) whose native language is a language other than English; or (B) who lives in a family or community environment where a language other than English is the dominant language (WIOA Section.3{21} and WIOA Section 203[6]).

## REFERENCES

- WIOA (Public Law 113-128) Sections 126 (a) (3) (B,) Section 129 (3) (A) (i) and Section 129 (3) (A) (ii)
- Title 20 CFR “WIOA Final Rule” Sections 681.210 - 681.280, 681.300, 681-310
- Training and Employment Guidance Letter (TEGL) 21-16 “Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance” (March 2, 2017)
- TEGL 8-15 “WIOA Youth Program Transition” (March 26, 2015)
- Workforce Services Directive WSD17-07 “WIOA Youth Program Requirements” (January 16, 2018)

## **INQUIRIES**

For questions or assistance related to this policy, please contact Pacific Gateway Workforce Innovation Network staff at (562) 570-3748.

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