

## Youth Eligibility Policy

### **POLICY PURPOSE:**

The policy on eligibility and registration ensures that every Workforce Innovation and Opportunity Act (WIOA) participant who receives WIOA Program funded services is eligible and registered to receive those services. The Workforce Innovation Act describes eligibility requirements for youth and young adults seeking services under **WIOA**. The guidelines below describe **WIOA** mandated youth-eligibility categories and additional categories developed at the local level.

### **BACKGROUND:**

WIOA includes a number of improvements to ensure low-income workers-youth and adults have the skills and supports they need for full participation in the American workforce. Specifically, Title I of WIOA includes several significant provisions that will increase the focus on comprehensive programming for out-of-school youth and those who face the greatest challenges. A minimum of 75% of WIOA youth funds must be spent on out of school youth (OSY).

### **Definition of Key Terms:**

"Basic Skills Deficient" individuals are:

- A youth with English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- A youth or adult who 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.

"Displaced Homemaker" means an individual who has been providing unpaid services to family members in the home and who:

- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and
- Has been dependent on the income of another family member but is no longer supported by that income; or
- Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.

"Low-income individuals" meet one or more of the characteristics listed below:

- Recipient of Cash Public Assistance
- Family Income that does not exceed the higher of 70% of the Lower Living Standard Income Level (LLSIL) or the poverty line
- Receives Food Stamps or was determined eligible to receive in the last six months
- Homeless
- Publicly supported Foster Child
- Individual with a disability and own income at or below 70% of the LLSIL or the

poverty line

- Receives, or is eligible to receive a free or reduced price school lunch
- An individual who resides in a high poverty area, defined as an area that has a poverty rate of at least 25% (set every 5 years, using ACS 5 year estimates)

"An individual who requires additional assistance to complete an educational program or to secure or hold employment" is defined by the WDB as a youth who meets one or more of the following criteria:

- Has an Individualized Education Program (IEP);
- Has a letter from a guidance counselor asserting their need of additional assistance to complete an educational program or to secure or hold employment;
- Is currently credit deficient (i.e., one or more grade levels behind peer group);
- Has a poor work history (been fired from 1 or more jobs within the last six months, OR has a history of sporadic employment, such as "has held 3 or more jobs within the last 12 months, and is no longer employed");
- 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; or
- Has incarcerated parent(s)

"Not attending any school" means a youth not receiving services from a public school, charter school, cyber charter school, career and technical school, sectarian school, or private school. Individuals who are enrolled in adult basic education/GED preparation, skills training, or other remedial education programs, including YouthBuild and Job Corps are not attending any school for the purposes of this policy.

"Self-attestation" occurs when an individual states his or her status for a particular data element, and then signs and dates a form acknowledging this status.

"Self-certification" means an individual's signed attestation that the information said individual submitted to demonstrate eligibility for a program under Title I of WIOA is true and accurate.

**POLICY:**

Youth must meet basic eligibility requirements as defined by local plan to participate in the WIOA Youth program. **Both** In School and Out of School Youth must meet the following eligibility requirements:

- be a citizen or noncitizen authorized to work in the U.S (WIOA Sec. 188 (5)).; and
- Meet selective service registration requirements (males only if applicable) (see below).

**Veterans**-Veterans and eligible spouses receive priority of service for all United States Department of Labor funded employment and training programs. See **Cumberlands Workforce Development Veteran's Policy**.

Both in-school youth (ISY) and out-of-school youth (OSY), as defined below, are eligible for youth services. (WIOA sec. 3(18))

All youth participants must be made aware of the 12 months of follow up available to them at the time of enrollment. Follow up services begin on the day after exit. If staff is unable to contact or locate the Youth after a period of 90 days and six documented contact attempts, they may end the follow up service prior to the 12 month anniversary date.

**An out-of-school youth (OSY) is an individual who is:**

- (i) Not attending any school (as defined under State law);
- (ii) Not younger than 16 or older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; **and**
- (iii) One or more of the following:
  - (I) A school dropout;
  - (II) 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. School year calendar quarter is based on how a local school district defines its school year quarters; (III) 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;
  - (IV) An individual who is subject to the juvenile or adult justice system;
  - (V) A homeless individual which may include; a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or youth in an out-of-home placement.
  - (VI) An individual who is pregnant or parenting;
  - (VII) An individual with a disability;
  - (VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA Sec. 3(46) and Sec. 129 (a) (1) (B)) (20 CFR681.210)

The Workforce Development Board has decided to focus close to 100% of their WIOA youth funds on out of school youth. However, each contractor may serve a few in school youth, as specified in individual contracts.

**In-School Youth (ISY) is an individual who is:**

- (a) Attending school (as defined by State law), including secondary and post-secondary school;
- (b) Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program; A low-income individual; and
- (c) One or more of the following:
  - (1) Basic skills deficient;
  - (2) An English language learner;
  - (3) An offender;
  - (4) A homeless individual (as defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C.

- 11434a(2})), a runaway, in foster care or has aged out of the foster care system, 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;
- (5) An individual who is pregnant or parenting;
  - (6) An individual with a disability;
  - (7) An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA Sec. 3(27) and Sec. 129 (a) (1)(C))

An eligible in-school youth or an out of school youth who have their high school diploma or GED and are basic skills deficient or an English language learner must also meet low-income definition.

### **School Status:**

School status must be based on the individual's status at the time eligibility determination of program enrollment is made. School status does not change through the participation period.

NOTE: For the purposes of WIOA, providers of Adult Education under Title II of WIOA, YouthBuild programs, and Job Corps are not considered schools. (20 CFR 681.230)

### **Exceptions and Limitation:**

**Exception:** WIOA Sec. 129 (a) (3) defines in-school youth and the following two categories of out-of-school youth as "covered individuals:"

- 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;
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

WIOA allows a low-income exception where five percent of WIOA Youth may be participants who ordinarily would be required to be low-income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth in the local area's WIOA Youth program in a given program year who would ordinarily be required to meet low-income criteria. Prior to enrolling youth under the five (5%) window, the Career Manager must contact the WIOA Program Manager to obtain availability approval. [WIOA Sec. 129 (a) (3) (A) (ii)] This is {20 CFR 683.250(c)}

**Limitation:** No more than five percent (5%) of the in-school youth served in a local area may be "an individual who requires additional assistance to complete an educational program or to secure or hold employment. [WIOA Sec. 129 (a) (3) (B)]

### **Eligibility Verification**

When registering a Youth participant for WIOA services, service providers must ensure that the individuals are eligible In accordance with the eligibility requirements for WIOA

(Age, selective service registration, and citizenship, or eligible non-citizen). All eligibility verification will be completed by using the KEE Suite Staff Connect system.

All documents supporting eligibility must be included in the participant's file and available for review by the WDB or its designee. The applicant must be informed that all information is subject to verification and that false information is grounds for termination and possible prosecution under the law. Documentary evidence or approved by the WDB Director.

#### **Primary Eligibility Review**

It is the Career Manager's responsibility to review and sign off on all registration paperwork for completeness, and accuracy prior to workforce delivery system staff review. The Career Manager must maintain a centrally controlled file for each program applicant and registrant which contains copies of all documents collected. The Career Manager will provide Federal, State, and WDB monitors with access to such records given reasonable notice.

It is the responsibility of the Career Manager to enter the appropriate eligibility data into the KEE Suite Staff Connect system with 100% accuracy and within 10 business days.

#### **Secondary Eligibility Review**

WDB staff or designee will review a sample of files quarterly to ensure completeness and accuracy. Both paper files and electronic files will be reviewed. It will be the responsibility of the Career Manager make any corrections and to conduct an internal review of all files if areas of concern are found.

#### **Self-Certification**

Self-certification is allowed as a viable source for documenting eligibility for all WIOA Title I program participants. Self-certification should be used in rare circumstances for ISY and freely for OSY for the following criteria elements:

- Date of dislocation (Dislocated Worker)
- Displaced Homemaker (Dislocated Worker)
- Reemployment opportunity is poor/unlikely to return to work (Dislocated Worker)
- Permanently or temporarily laid off as a consequence of disaster (Dislocated Worker)
- English language learner (youth)
- Homeless (Adult and youth)
- In/Aged out of the foster care system (youth)
- Offender (youth)
- Pregnant or parenting (youth)
- Requires additional assistance (youth)
- Runaway (youth)
- School status at time of registration (youth)

#### **Telephone Verification**

Providers are encouraged to utilize telephone verification prior to self-attestation for adult, dislocated worker, and OSY populations where possible. Telephone verification involves verification of eligibility criteria through phone calls with recognized governmental or social services agencies. Information obtained through this method should be documented on the WIOA-2. This form may be used when eligibility criteria are verified through telephone contact with agencies that could provide a written statement. Telephone verification should include the following: (a) date of contact; (b) person/agency contacted, including name address and telephone number; (c) potential participant's name; (d) signature/initials of person making contact.

### **Random Sampling Methodology**

In order to verify applicant self-certification usage and to monitor self-attestations, the WDB will adopt a random sampling methodology. The methodology will verify eligibility in self-attested applications and will be implemented for all Title I programs.

### **Selective Service Requirements**

Every male citizen and male permanent resident noncitizen in the United States between the ages of 18 and 26 are required to register with Selective Service. Males who failed to register with Selective Service by their 26th birthday and can provide written explanation and supporting documentation of any of the following may be eligible for WIOA services:

- Over the age of 26 and were willing but unknowing of the requirement to register with Selective Service;
- Incarceration, institutionalization, or hospitalization between the ages of 18-26; or
- Non-citizen status and non-permanent resident status before age 26.

The WDB will monitor Selective Service exceptions to ensure that proper procedures are followed.

### **REFERENCES:**

- WIOA Section 3(2), (5), (15), (16), (36); WIOA Section 129(a)(1)(B) and (C)
- Kentucky Career Center, WIOA Preliminary Eligibility Policy - #16-026,
- Kentucky Eligible Training Provider List - <https://etpl.ky.gov/etpl/Default.aspx>