



YOUTH PROGRAM ELIGIBILITY

PURPOSE

The purpose of this policy is to provide guidance to Workforce Alliance of the North Bay (Alliance) service providers in determining participant eligibility for Workforce Innovation and Opportunity Act (WIOA) youth programs.

SCOPE

Workforce Innovation and Opportunity Act Title I contracted Service Providers

RESPONSIBLE PARTY

Workforce Alliance of the North Bay
Regional Workforce Development Board

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)

DOCUMENTS

- WANB Youth Eligibility Determination Form 109

DEFINITIONS

Adult Education – academic instruction and education services below the post-secondary 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). Examples 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 (IS) youth 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, the youth is considered an

Workforce Alliance of the North Bay is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Out-of-School (OS) youth if the eligibility determination is made after the youth decided not to attend postsecondary education. Youth on summer break are considered IS youth 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 OS youth 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 public K-12 school system who is classified by the school system as still enrolled in school are the exception; the youth would be considered an IS youth (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).

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 of for who services under WIOA may be beneficial (WIOA Section 3[38]).

Postsecondary school – California community colleges, and accredited public and private universities (EC Section 66010).

School – any secondary or post-secondary 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).

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

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 any education beyond grade 12. (Title 20 U.S.C. Section 1401[27]).

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]).

POLICY

- I. Youth Eligibility Criteria
 - A. To be eligible to participate in the WIOA youth program, an individual must meet the generally eligibility criteria outlined below and meet the additional criteria outlined for an Out-of-School (OS) youth or In-School (IS) youth.
 - B. Eligibility is determined at intake. The participant information is collected during registration and these criteria follow the participant through the entire course of WIOA programs and services attached to that application. If the participant's circumstances change during the WIOA registration cycle (such as a change in age, education status, employment status, etc.) the participant remains eligible for those services until exited. Examples are provided below:



1. An individual who is an OS youth at time of enrollment and is subsequently placed in school is still considered an OS youth. Additionally, an individual who is an OS youth and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OS youth until exited.
 2. An individual who is an IS youth and between the ages of 14-21 at the time of enrollment, and is now beyond the age of 21, is still considered an IS youth until exited.
- C. Eligibility for services should not be construed as a guarantee of services. The WIOA is not an entitlement program.
- D. Employment and training opportunities must be provided to youth who can benefit from, and are most in need of, such opportunities.
- E. Eligibility criteria must be documented in the participant file prior to the provision of WIOA services. Service Providers will complete the WANB Youth Eligibility Determination Form (form 109) to identify youth eligibility.

This form includes disability as an eligibility criterion and therefore must be maintained in accordance with the Nondiscrimination and Equal Opportunity Procedures. Any medical or disability-related information, including information that could lead to the disclosure of a disability, must be collected separately and maintained apart from any other information about the individual, and treated as confidential. Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity may be informed and have access to the information in the related files.

II. General Eligibility Criteria

All youth must meet the following general eligibility criteria:

- A. Authorization to Work
- B. Compliance with Selective Service Registration Requirements
- C. Age 14-24 on the "Date of Participation"

III. Out-of-school (OS) Eligibility Criteria– In order to receive services as an OS youth, an individual must meet the following eligibility criteria:

- A. Not be attending any secondary or postsecondary school (not including Title II Adult Education, YouthBuild, Job Corps, high school equivalency programs [except if program is funded by the public K-12 school system and youth attending are classified by the school system as still enrolled in school], non-credit bearing postsecondary classes, dropout reengagement programs or charter schools with federal and state workforce partnerships).
- B. Not younger than age 16 or older than age 24 years.
- C. Have one or more of the following barriers:
 1. A school dropout.
 2. 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 quarter.
 - a) If the school does not use school year quarters, use calendar quarters.
 3. 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.
 4. An offender.



5. A homeless individual or a runaway.
 6. An individual in foster care or who 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, or in an out-of-home placement.
 7. An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 8. An individual with a disability.
 9. A low-income individual who requires additional assistance to enter or complete an educational program to secure or hold employment.
- IV. In-school (IS) Eligibility Criteria – In order to receive services as an IS youth, an individual must meet the following eligibility criteria:
- A. Be attending school, including secondary and postsecondary school.
 - B. Age 14-21 years old (A youth with disabilities who is in an individualized education program at the age of 22 may be enrolled as an IS youth).
 - C. Low income individual.
 - D. Have one or more of the following barriers:
 1. Basic skills deficient.
 2. An English language learner.
 3. An offender.
 4. A homeless individual or runaway.
 5. An individual in foster care or who 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, or in an out-of-home placement.
 6. Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers).
 7. An individual with a disability.
 8. An individual who requires additional assistance to complete an educational program or secure and hold employment.

V. Additional Assistance –

No more than five percent of IS youth enrolled in a given program year may be found eligible solely on meeting the criterion, “requires additional assistance.” The five percent shall be calculated for each service provider within the Alliance, based upon the percent of newly enrolled participants during a program year. Service providers that choose to enroll under this category without the total number of enrollments required for compliance risk disallowed costs as the youth would not technically be eligible for the WIOA youth program.

In some instances, the Alliance may grant a service provider permission to enroll a youth under this criterion, based upon the total number of enrollments throughout the consortium. This permission must be obtained in writing/email prior to the enrollment of the youth and placed in the participant file with other eligibility documentation.



The Alliance defines additional assistance to include the following:

- A. Has repeated at least one secondary grade level or is one year over age for grade;
- B. Has a core GPA of less than 1.5;
- C. For each year of secondary school, are at least 2 semester credits behind the rate required to graduate from high school;
- D. Emancipated youth;
- E. Previous dropout; or has been suspended 5 or more times; or has been expelled;
- F. Has court/agency referral mandating school attendance;
- G. Deemed at risk of dropping out of school by school official;
- H. Referred to/being treated by an agency for a substance abuse related problem;
- I. Has experienced recent traumatic events, victim of abuse, or resides in abusive environment documented by a school official or other qualified professional;
- J. Has serious emotional, medical or psychological problems documented by a qualified professional.

And, for OS youth,

- K. Has never held a job;
- L. Has been fired within the 12 months prior to application;
- M. Has never held a full-time job for more than 13 consecutive weeks.

- VI. Determining School Status – School status is determined at the time of program enrollment and remains the same throughout the youth’s participation in the WIOA program.
 - A. IS youth - If a youth is enrolled in the WIOA youth program during the summer and is in between school years, they are considered an IS youth if they are enrolled to continue school in the fall. A youth is also considered IS if they are enrolled into the youth program between high school graduation and postsecondary education if they are registered for postsecondary education, even if they have not yet begun postsecondary education at the time of WIOA youth program enrollment.
 - B. OS youth – If the youth graduated from high school and registers for postsecondary education, but does not ultimately follow through with attending postsecondary education, they are considered an OS youth as long as the eligibility determination is made after the point they decide not to attend postsecondary education.
- VII. Non-Credit Bearing Postsecondary Classes –
 - A. IS youth – If a youth is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education, then they are considered to be attending postsecondary education and are an IS youth.
 - B. OS youth – If the youth is only enrolled in non-credit bearing postsecondary classes, they are not considered to be attending postsecondary education and are an OS youth.
- VIII. Low Income Exception – The WIOA maintains a five percent low-income eligibility exception where five percent of WIOA youth may be participants who ordinarily would need to be low-income. This includes:
 - A. IS youth who is not low-income but would otherwise qualify as an IS youth; or



B. OS youth who is not low-income but:

1. Is recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient; or an English language learner; and/or
2. Requires additional assistance to enter or complete an educational program or to secure or hold employment.

The 5% exception shall be calculated for each service provider within the Alliance, based upon the percent of newly enrolled participants during a program year that would ordinarily be required to meet the low-income criteria. Service providers that choose to enroll under this category without the total number of enrollments required for compliance with this exception risk disallowed costs as the youth would not technically be eligible for the WIOA youth program.

In some instances, the Alliance may grant a service provider permission to enroll a youth under this exception, based upon the total number of enrollments throughout the consortium. This permission must be obtained in writing/email prior to the enrollment of the youth and placed in the participant file with other eligibility documentation.

IX. Low-Income Determination – All IS youth and some categories of OS youth must meet low income guidelines to qualify for WIOA services (unless they qualify for the 5% low income exception). Low-income is defined as:

A. 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 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security income program established under title XVI of the Social Security Act, or State or local income-based public assistance.

B. Free or Reduced Lunch –

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

C. Living in a High Poverty Area -

WIOA contains a 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.

D. Homeless Individual –

A homeless individual who meets the criteria as defined in:

1. Violence Against Women Act of 1994, Section 41403(6)



2. McKinney-Vento Homeless Assistance Act, Section 725(2)

E. Foster Child –

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

F. Individual with a Disability (ISY Only) –

Are 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.

G. Low-Income/Family Size Determination –

The individual receives 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.

Income is determined by collecting information from the family for the complete six-month period prior to application. This figure is then doubled (annualized) and compared to a table provided via Directive by the State of California to determine whether the youth is considered low income based upon family size and total reported “annualized” income.

Sources of Income –

1. The following sources of income should be included in an individual’s income calculations:

- a) Monetary compensation for services, including wages, tips, salary, commissions, or fees before any deductions
- b) Unemployment Insurance Payments
- c) Child Support payments
- d) Net receipts from non-farm self-employment (receipts from a person’s own unincorporated business, professional enterprise, or partnership, after deductions for business expenses)
- e) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses)
- f) Regular payments from railroad retirement, strike benefits from union funds, worker’s compensation, and training stipends (e.g., wages from the California Conservation Corp)
- g) Alimony, military family allotments, or other regular support from an absent family member or someone not living in the household
- h) Private pensions, government employee pensions (including military retirement pay)
- i) Regular insurance or annuity payments (including state disability insurance)
- j) College or university scholarships (not needs-based), grants, fellowships, and assistantships
- k) Net gambling or lottery winnings
- l) Severance payments
- m) Terminal leave pay



- n) Social Security Disability Insurance (SSDI) payments (Title II of the Social Security Act, Federal Old Age, Survivors and Disability Insurance)
 - o) Social Security Old Age, Survivors and Disability Insurance (OASI benefits received under Section 202 of the Social Security Act.
2. The following income sources should not be included in an individual's income calculation:
- a) Foster care child payments
 - b) Need-based public assistance payments (including Temporary Assistance for Needy Families, supplemental security income (SSI), emergency assistance money payments, and non-federally funded general assistance or general relief money payments)
 - c) Social Security old age and survivors' insurance benefit payments
 - d) Financial assistance under Title IV of the Higher Education Act (i.e., Pell Grants)
 - e) Supplemental Educational Opportunity Grants and Federal Work Study
 - f) Needs-based scholarship assistance
 - g) Loans
 - h) Veterans benefits
 - i) Income earned while the veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance
 - j) Capital gains
 - k) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
 - l) Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury
 - m) Non-cash benefits such as employer paid or union-paid portion of health insurance or other fringe benefits, food or housing received in lieu of wages
 - n) The value of food and fuel produced and consumed on farms
 - o) The imputed value of rent from owner occupied nonfarm or farm housing
 - p) Medicare, Medicaid, food stamps, school meals and housing assistance
 - q) Allowances, earnings and payments to individuals participating in programs under WIOA (except on-the-job training wages).

POLICY UPDATE HISTORY

Date Board Approves – New Policy

INQUIRIES

Questions regarding this policy can be sent to Operations Unit.

