

## Youth Services Policy - Eligibility



**Effective Date: August 28, 2020**

**Duration: Indefinite**

**Background:** WIOA places a priority on serving out-of-school youth, providing work-based experience, and improving services to youth with disabilities. WIOA promotes career pathways, increased attainment of recognized credentials and post-secondary certificates or degrees. Youth must meet eligibility requirements to participate in the WIOA Title I Youth Program. Eligible youth are those who are 14-24 years of age and face specific barriers to school completion or employment.

**NOTE:** NETLWDB sub-recipients will refer to their contract for age range for youth service provision.

To be eligible to receive WIOA Youth services, an individual must:

- be a citizen or noncitizen authorized to work in the United States<sup>1</sup>;
- meet Military Selective Service registration requirements (males only); and
- be an In-School-Youth (ISY) or Out-of-School Youth (OSY), as defined by WIOA<sup>2</sup>.

### I. Definitions:

- A. School** – Any secondary or post-secondary school as defined by the applicable State law<sup>3</sup> or secondary and postsecondary institutions. For purposes of WIOA, the Department does not consider providers of Adult Education under WIOA Title II, YouthBuild programs, the Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools. Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception. They are considered ISY.<sup>4</sup>
- B. Attending School** – An individual is considered to be attending school if the individual is enrolled in a secondary school or registered for credit-bearing courses at a post-secondary institution. Such schools/institutions include, but are not limited to: TCATs, community colleges, 4-year college/university, traditional K-12 public and private, and alternative schools (e.g., continuation, magnet, charter and charter and home schools).<sup>5</sup>

#### At time of enrollment:

- If the youth is enrolled in the WIOA youth program during the summer and is in-between school years, the youth is considered an in-school youth if they are enrolled to continue school in the fall.
- If a youth is enrolled in the youth program between high school graduation and post-secondary education, the youth is considered an in-school youth if they are registered for post-secondary credit-bearing courses, even if they have not yet begun post-secondary classes at the time of enrollment.
- If the youth does not follow through with attending post-secondary, then such a

<sup>1</sup> WIOA Section 188(a)(S)

<sup>2</sup> WIOA Section 129(a)(1)(B)–(C)

<sup>3</sup> TCA 49-6-301, 49-6-401, AND 49-7-2003

<sup>4</sup> 20 CFR 681.230

<sup>5</sup> TCA 49-6-3050

youth would be considered an out-of-school youth if the eligibility determination is made after the point that the youth decided not to attend post-secondary education.

- Post-secondary courses must be credit-bearing classes. An individual attending non-credit-bearing post-secondary classes (e.g. remedial courses) is to be considered out-of-school youth.

**C. Not attending School** – An individual who is not attending a secondary or post-secondary school.

**D. Alternative School** – A non-traditional academic program or school designed to meet the student's educational, behavioral, and social needs for students in grades seven (7) through twelve (12).

## II. WIOA Title I Youth Participant Eligibility: WIOA establishes separate criteria for Out-Of-School Youth (OSY) and In-School Youth (ISY).

**A. An Out-Of-School Youth** is defined as an individual who is <sup>6</sup>:

- Not attending any school at the time of enrollment;
- Not younger than 16 or older than 24 at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program); **and**
- Meets one or more of the following conditions:
  - School dropout;
  - 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 is based on how a local school district defines its school year quarters;
  - Recipient of a secondary school diploma, or its recognized equivalent, who is low-income and
    - basic skills deficient or
    - an English language learner;
  - An offender who has been subject to any stage of the criminal justice process;
  - A homeless individual, age 16 to 24, who meets the criteria defined in Violence Against Women Act<sup>7</sup>, a homeless child or youth age 16 to 24 who meets the criteria defined in the McKinney Vento Homeless Assistance Act <sup>8</sup> or who is a runaway;
  - 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 of kinship guardianship or adoption, a child eligible for assistance under Social Security Act, or in an out-of-home placement;
  - Pregnant or parenting;
  - An individual with a disability;
  - Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment
- **Additional Assistance Criteria for Out-of-School Youth.** OSY participants are defined as requiring additional assistance to enter or complete an educational program or to secure and hold employment that meet one or more of the following criteria <sup>9</sup>:
  - Has dropped out of a post-secondary educational program during the past 12 calendar months;

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<sup>6</sup> WIOA Section 129(a)(1)(B)

<sup>7</sup> Violence Against Women Act of 1994 Section 41403(6)

<sup>8</sup> McKinney Vento Homeless Assistance Act Section 725(2)

<sup>9</sup> WIOA Youth Program Manual TDLWD, Determining Additional Assistance for In-School and Out-of-School Youth Criteria

- Has a poor work history, to include no work history, or has been fired from a job in the last 6 calendar months;
- Has been suspended from school at least within the last 12 calendar months;
- Has below average grades;
- Has been previously placed in out-of-home care (foster care, a group home, or kinship care) for more than 6 months and is between the ages of 16-24; or
- Currently has incarcerated parent(s) or guardian.

**B. An In-School Youth** is defined as an individual who is:

- Attending school at the time of enrollment<sup>10</sup>;
- Not under the age of 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program)<sup>11</sup>;
- Low-income; **and**
- Meets one or more of the following conditions:
  - Basic skills deficient;
  - An English language learner;
  - An offender who has been subject to any stage of the criminal justice process;
  - A homeless individual, aged 14 to 21, who meets the criteria defined in the Violence Against Women Act,<sup>12</sup> a homeless child or youth aged 14 to 21 who meets the criteria defined in the McKinney Vento Homeless Assistance Act<sup>13</sup> or a runaway;
  - 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 of kinship, guardianship or adoption, a child eligible for assistance under Social Security Act<sup>14</sup> or in an out-of-home placement;
  - Pregnant or parenting;
  - An individual with a disability.

Youth with disabilities who have an Individualized Education Account may be enrolled as ISY after the age of 21 but no older than 22.

- **Additional Assistance Criteria for In-School Youth.** ISY participants are defined as requiring additional assistance to enter or complete an educational program or to secure and hold employment that meet one or more of the following criteria:
  - Has poor attendance patterns in an educational program during the last 12 months;
  - Has been expelled from school within the last 12 calendar months;
  - Has been suspended from school within the last 12 calendar months;
  - Has below average grades;
  - Has been previously placed in out-of-home care (foster care, group home or kinship care) for more than 6 months and is between the ages of 14-21; or
  - Has currently incarcerated parent(s) or guardian.

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<sup>10</sup> TEGL 21-16

<sup>11</sup> 20 CFR 681.220)

<sup>12</sup> Violence Against Women Act of 1994 Section 41403(6)

<sup>13</sup> McKinney Vento Homeless Assistance Act Section 725(2)

<sup>14</sup> Social Security Act 42 USC 677

### **III. Determining Basic Skills Deficiency:**

- A.** An individual that has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test or 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, is considered basic skills deficient.
- B.** Testing for basic skills deficiency is recommended to be done through Adult Education services when appropriate.
- C.** When testing through Adult Education is not applicable, the Career Service Provider may administer testing. NETLWDB will ensure that any formalized testing instruments used are valid, reliable, appropriate, fair, cost-effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. Assessment instruments must be appropriate for the target population, and provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.
- D.** If the individual is found to be basic skills deficient, this must be recorded in Jobs4TN.

### **IV. Terms of the Individualized Education Account:** <sup>15</sup>

For purposes of continuity of educational attainment, a student who enrolls in the program shall remain eligible until the participating student meets one of the following, whichever occurs first:

- A.** The student enrolls full-time in a public school in the local education agency in which the parent or student who has attained the age of majority resides.
- B.** The student graduates from high school. The student may continue in the program until such time as he or she receives a high school diploma, or receives a passing score on all subtests of the HiSET.
- C.** The student reaches 22 years of age. The student may complete the school year in which he or she reaches the age of 22, provided a student shall not be enrolled in the program past August 15 of the next school year after they have reached 22 years of age.

### **V. Documentation for Participant Eligibility:**

Documentation is necessary to support WIOA Title I Youth eligibility. Verification and confirmation that youth are eligible to participate in WIOA Youth Services must be provided through an examination of documents. (See Attachment A). Documentation must be stored electronically by uploading the documents into the participants file in Jobs4TN, and documentation must be available to program staff, fiscal monitors, and auditors for monitoring purposes. A case note should be added with the documentation indicating the eligibility requirements that the document is supporting. Records must be retained for at least five (5) years after the submittal of the final closeout expenditure report for that funding period.

### **VI. Low-Income Status:**

A low-income individual is someone who:

- A.** 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 (SNAP), the Supplemental Security Income Program established under Title XVI of the Social Security Act, or State or local income-based public assistance;
- B.** Is in a family with total income that does not exceed the higher of:
  - The poverty line or

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<sup>15</sup> TCA 0520-01-11-04

- Seventy percent (70%) of the lower living standard income level  
For additional guidance, see USDOL and TDLWD Low Income Guidelines policy;
- C. A homeless individual;
- D. Receives or is eligible to receive free or reduced price lunch<sup>16</sup>;
- E. A foster child on behalf of whom State or local government payments are made;
- F. An individual with a disability whose own income meets the low-income level for eligibility purposes;
- G. Youth who reside in a High Poverty Area.

**VII. 5% Low Income Eligibility Exception:**

As described in WIOA, <sup>17</sup> a low-income exception is allowed where five (5) 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 the low-income criteria. It is not based on all youth since many of the OSY categories do not require low-income status. Because not all OSY are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

**VIII. 5% Additional Assistance Barrier Limitation for ISY:**

WIOA states that in each local area, not more than five (5) percent of the ISY assisted may be eligible based on the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment<sup>18</sup>. States and local areas must ensure that in a given program year, no more than 5 percent of ISY enrolled in the program year are eligible only based on the 'additional assistance' criterion. The 5% limitation criterion for additional assistance only applies to ISY.

**IX. US Citizenship or Authorization to Work in the United States:**

Eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylum, and parolee, and other immigrant authorized by the Attorney General to work in the United States.<sup>19</sup>

**X. Selective Service Registration Requirements:**

Before being enrolled in WIAO Title I funded services, all males who are not registered with the Selective Services and have not reached their 26<sup>th</sup> birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I funded services. If a man under the age of 26 refuses to register with Selective Service, WIOA Title I funded programs must be suspended until he registers. For transgender customers, compliance with selective service is predicated on the individual's gender as assigned at birth/as recorded on a birth certificate.

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<sup>16</sup> WIOA Section 3(36)(A)(iv)

<sup>17</sup> 20 CFR 681.250(c)

<sup>18</sup> WIOA Section 129(a)(3)(B)(1)

<sup>19</sup> WIOA Section 188(a)(5)

**CONTACT:** Questions concerning the above may be addressed to Kathy Pierce, Executive Director of the NETLWDB at [kpierce@ab-t.org](mailto:kpierce@ab-t.org).

This policy will remain in effect until amended, modified, or set aside by the Northeast Tennessee Local Workforce Development Board.

APPROVED:

A handwritten signature in black ink that reads "James Osborne". The signature is written in a cursive style with a large initial "J" and "O".

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James Osborne  
NETLWDB Chair