

General Program Policies No. GP – 106, Change 3

Subject: WIOA Youth Activities and Program Eligibility

Effective: PY18—2/11/2019

PURPOSE. The purpose of this Policy is to provide direction to workforce system stakeholders including the youth program service provider, regarding the Youth Eligibility Requirements for the Workforce Innovation and Opportunity Act (WIOA) Title I Youth Program.

REFERENCE(S)

- Workforce Innovation and Opportunity Act (WIOA), July 22, 2014: §129.
- WIOA Final Rules – U.S. Department of Labor (Title I): 20 CFR §680 and §681.
- U.S. Department of Labor/Employment and Training Administration Training and Employment Guidance Letter, Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (TEGL No. 21-16).
- U.S. Department of Labor/Employment and Training Administration Training and Employment Guidance Letter, Second Title 1 WIOA Youth Program Transition Guidance, (TEGL No. 8-15).
- U.S. Department of Labor/Employment and Training Administration Training and Employment Guidance Letter, Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition, (TEGL No. 23-14).
- U.S. Department of Labor/Employment and Training Administration Training and Employment Guidance Letter, Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs (TEGL No. 02-14).

BACKGROUND

WIOA outlines a broader youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school (OSY). WIOA affirms the New Mexico's Department of Workforce Solutions (NMDWS) commitment to implementing and overseeing the provision of high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship.

The Youth Program delivers a comprehensive array of services that focus on assisting transitional youth ages 14-24, particularly youth who are disadvantaged and have one or more barriers to employment. The goal of the program is to prepare these youth for post-secondary education and employment opportunities, attain educational and/or training credentials, and secure employment that has a positive career outlook. Youth service providers support the 75 percent out-of-school youth and 20 percent work experience expenditure rate as required by WIOA.

REQUIREMENTS

WIOA Youth Eligibility Criteria

WIOA Section 129(a) (1) establishes the eligibility criteria that an individual must meet to participate in the WIOA Youth Program. Every individual receiving services under the WIOA Youth Program must meet either the In-School Youth or Out-of-School Youth eligibility criteria to enroll in the program.

Each of the following eligibility elements must be documented for each participant prior to the receipt of a staff-assisted career service with significant staff involvement, or individualized customized service.

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

- be a citizen or noncitizen authorized to work in the United States;
- be in compliance with the Selective Service Act requirements (males only) as required by WIOA section 189(h); If an individual is enrolled into WIOA youth services at age 17, they must register into Selective Service immediately upon turning age 18; and
- be an ISY between the ages of 14 and 21 years or an OSY between the ages of 16 and 24 years at the time of enrollment in WIOA.

Note: *A Glossary is included at the end of this Policy as Attachment A.*

In-School Youth:

In-School Youth (ISY) as defined in WIOA §129(a)(1)(B) – (C) is an individual who is:

- Not younger than age 14 and not older than 21 years at time of enrollment in WIOA;
- Attending secondary or postsecondary school at the time the eligibility determination portion of the program enrollment in WIOA is made (unless an individual with a disability who is attending school under state law);
- Low-income, as defined by WIOA §3(36), or lives in a high-poverty area (see Low-Income Exception); and
- Has one or more of the following barriers:
 - Basic skills deficient;
 - An English language learner;
 - An offender (subject to the juvenile or adult justice system);
 - A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6));
 - A runaway;
 - An individual in foster care or has aged out of the foster care system;
 - 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;

- Pregnant or parenting;
- An individual with a documented disability;
- Requires additional assistance to enter or complete an educational program or to secure or hold employment. (Operational Policy NO. – 428, Definition of Additional Assistance Barrier for Youth Eligibility)

ISY Exceptions and Limitations:

- **“Additional Assistance” Limitation** – In each local area, not more than 5 percent of the ISY assisted under this section may be eligible under “individual who requires additional assistance” to complete an educational program or to secure or hold employment. (WIOA §129(3)(B) and Operational Policy NO. – 428, Definition of Additional Assistance Barrier for Youth Eligibility)
- **Low-Income Exception** – Not more than 5 percent of the ISY assisted can be individuals that are not low-income. (WIOA §129(3)(A)(ii))

Out-of-School Youth:

Out-of-School Youth (OSY) as defined in in WIOA §129(a)(1)(B) – (C) is an individual who is:

- Not attending any school and,
- Not younger than age 16 or older than 24 at the time of enrollment, and
- Has one or more of the following barriers:
 - School dropout;
 - Within the age of compulsory school attendance;
 - 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 (subject to the juvenile or adult justice system);
 - A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6));
 - A runaway;
 - An individual in foster care or has aged out of the foster care system;
 - 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;
 - Pregnant or parenting;
 - An individual with a documented disability;
 - Low-income individual, or an individual who lives in a high-poverty area, who requires additional assistance to enter or complete an educational program or to secure or hold employment.

OSY Exceptions:

- **Low-Income Exception** - Not more than 5 percent of OSY individuals in the following categories can be considered eligible and not meet the low-income criteria:

- A recipient of a secondary school diploma or its recognized equivalent who is low-income and is basic skills deficient;
 - An English language learner;
 - A low-income individual but requires additional assistance to enter or complete educational program or to secure or hold employment may not be low-income individuals. (WIOA §129(3)(A)(ii))
- **Co-enrollment Provision** - Individuals ages 18 through 24 may be eligible for both Adult and Youth programs if they meet the respective eligibility requirements for both programs.
 - **Authorization to Work** – Authorization to work in the United States can be verified through eligibility for UI benefits.
 - **Nondiscrimination** - WIOA Section 188(a)(5) contains a specific nondiscrimination provision that provides that participation under the WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees or parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the United States.” This includes “Deferred Action for Childhood Arrivals” (DACA) (please refer to Glossary) participants with employment authorization.

Determining School Status

For the purpose of determining ISY and OSY eligibility, a child is “attending school” if, at the time the eligibility determination portion of program enrollment in WIOA is made, the young person:

- Is enrolled in a school, including any of the following:
 - Public school;
 - Charter school;
 - Private school; or
 - Disciplinary alternative education program (DAEP);
 - Is homeschooled;
 - Is attending high school equivalency programs funded by the K-12 system;
 - Is a high school graduate who has registered for postsecondary classes, even if not yet attending postsecondary classes;
 - Is attending postsecondary school classes; or
 - Is in between post-secondary school semesters and has registered for classes for a future semester or has paid all or part of the tuition for a future semester.
- The following programs are not considered “school” under WIOA:
 - Adult education provided under Title II of WIOA
 - YouthBuild programs
 - Job Corps programs
 - High school equivalency programs (not funded by the public K-12 system)

- Dropout re-engagement programs.

Note: Once the school status of a youth is determined, that school status remains the same until exit from the WIOA youth program.

Objective Assessment and Youth Program Design

As a way to support the process of determining eligibility for individuals applying to the WIOA Youth Program, local youth programs must:

- Provide for an objective assessment of each youth participant, including a review of the academic and occupational skill levels and service needs, for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy. The objective assessment must include a review of:
 - Basic skills;
 - Occupational skills;
 - Work experience;
 - Employability;
 - Interests;
 - Aptitudes;
 - Support service needs; and
 - Developmental needs.

Note: A new assessment of a participant is not required if the Board determines that it is appropriate to use a recent assessment of the participant conducted as part of another education or training program.

- Develop, and update as needed, an individual service strategy for each youth participant that:
 - Is directly linked to one or more indicators of performance (as described in WIOA §116(b)(2)(A)(ii);
 - Identifies appropriate career pathways that include education and employment goals;
 - Considers career planning and the results of the objective assessment; and
 - Prescribes achievement objectives and services for the participant.
- Provide case management of youth participants rooted in evidence-informed practice, including follow-up services.

Workforce Connection Center staff will:

- Provide youth participants with information regarding the full array of applicable or appropriate services available through the Board (such as 14 program elements under WIOA section 129(c)(2)) or other providers or partners; and
- Refer youth participants to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis; and
- Work closely with co-located staff and become familiar with their programs, as a

best practice, in connecting eligible ISY or OSY youth to other program staff that serves migratory agricultural workers and their children.

Note: In order to meet the basic skills and training needs of applicants who **do not meet the eligibility requirements** of a particular program or who cannot be served by the program, WCCNM staff must refer youth for further assessment, as necessary, or refer to appropriate programs to meet the skills and training needs of the youth.

ELIGIBILITY DOCUMENTATION REQUIREMENTS.

Youth Provider staff are required to collect supporting eligibility documentation used to determine eligibility. WIOA establishes strict participant eligibility, priorities and requirements for participation to account for the proper use of Title I funds.

- **Local Procedures** – Youth Provider staff are required to collect supporting eligibility documentation used to determine eligibility. WIOA establishes strict participant eligibility, priorities and requirements for participation to account for the proper use of Title I funds.
- **Forms of Documentation** – Youth Provider staff must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in Attachment A of this guidance letter.
- **Electronic Files** - The State has established a standard for an electronic file (e-file) which includes a paperless registration, eligibility determination, and program enrollment. All program enrollments are required to be completed in an e-file format. Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms.
- **System Backup** – WCCNM Operations must ensure all information or documentation stored in an electronic document management system is backed-up routinely. The crash of a computer system is not a valid excuse for loss of information.
- **Barriers** - One documented barrier will make a participant eligible to receive services; however, notation of additional barriers as they are identified are required to be recorded and documented in the New Mexico Workforce Connection Online System (WCOS). Lack of supporting documentation for additional barriers, beyond the first barrier, does not delay services. The recording of additional barriers is required and will be captured in quarterly performance review data at both the federal and state level.
- **Case Notes** - Case notes refer to either paper or electronic statements by the case manager that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the case manager who obtained the information.
- **Self-Attestation** –
 - Self-attestation occurs when a participant states his or her status for a particular data element and then signs and dates a form acknowledging

this status. The key elements for self-attestation are:

- the participant identifying his or her status for permitted elements and
- signing and dating a form attesting to this self-identification.
- The form and signature can be on paper or in the state management information system, with an online signature.
- Self-attestation cannot be used to document the basic WIOA eligibility data elements of right to work, selective service, and age.
- Documenting eligibility with self-attestation is a method of last resort when no other source of documentation can be found or accessed.
- Self-attestation can also be used to clarify documentation that is considered insufficient by itself.

ATTACHMENT

Attachment A: Glossary

APPLICABILITY:

Chief elected officials (CEOs), WCCNM Central Region Board, WCCNM Administrative Entity, WIOA Providers and workforce system partners.

INQUIRIES:

WIOA Manager 505-724-3629