

## **General Program Policies No. GP – 106, Change 2**

**Subject: WIOA Youth Activities and Eligibility**

**Effective: PY15—10/19/2015**

### **BACKGROUND:**

The Workforce Innovation and Opportunity Act (WIOA) provides for workforce investment activities that increase the education, employment, retention, and earnings of participants. The ***Youth*** funding stream is one of three authorized under Title I of the Workforce Innovation and Opportunity Act WIOA.

### **OBJECTIVE:**

Youth activities offer a broad range of coordinated services to include opportunities for assistance in both academic and occupational learning, developing leadership skills, and preparing for further education and training and eventual employment. The varied services may be provided in combination or alone during a youth's participation. Strong connections are to exist between youth program activities and the workforce connection center delivery system so that youth learn early how to access the services and continue to use those services throughout their working lives.

### **POLICY:**

All Youth enrolled in the WCCNM Youth Program must meet eligibility. Eligibility is outlined the NMDWS Eligibility STAG and TEGL 23-14.

- All youth will meet the eligibility guidelines outlined in the NMDWS Eligibility STAG, and;
- Documented barrier guidelines outlined in the NMDWS Eligibility STAG, or;
- Definition of Sixth Barrier outlined in the Sixth Barrier Policy OP- 413

### **WIOA YOUTH ELIGIBILITY CRITERIA- Per NMDWS STAG and TEGL 23-14**

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.** Local boards must obtain required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in this attachment. Photocopies of documentation kept on file, or scanned documents stored in electronic document management systems, must be legible.

1. **Right to Work** – Participation shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work

in the United States as required in WIOA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIOA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

2. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this STAG.
3. **Age** at application must be between the ages of 14 and 24.

## IN SCHOOL YOUTH

**In-School Youth** means an individual who is attending school, not younger than age 14 or (unless an individual with a disability who is attending school under state law) older than age 21, low-income and one or more of the following barriers:

### **Barrier –**

- A. Basic skills deficient;
- B. An English language learner;
- C. An offender;
- D. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- E. Pregnant or parenting;
- F. A youth who is an individual with a disability;
- G. Requires additional assistance to enter or complete an educational program or to secure or hold employment. (Because the State has chosen to not define “**additional assistance**” as relates to WIOA Youth program eligibility, each Local Board has the responsibility for determining its own definition of this eligibility category. If a Local Board wishes to use this eligibility category, a local policy must be developed that specifies what conditions must be met for a youth to require additional assistance and what documentation is needed to demonstrate this eligibility category.) (OP-413- WCCNM Definition of Sixth Barrier)

**LIMITATION**—In each local area, not more than 5 percent of the in-school youth 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 and Sec 129(3)(B))

**Exception** - not more than 5 percent of the in-school individuals assisted be individuals that are not low-income. (WIOA and Sec 129(3)(A)(ii))

## **OUT OF SCHOOL YOUTH**

**Out-of-School Youth** means an individual who is not attending any school, not younger than age 16 or older than 24; and has one or more of the following barriers:

**Barrier –**

- A. School dropout;
- B. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- C. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- D. Subject to the juvenile or adult justice system;
- E. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- F. Pregnant or parenting;
- G. An individual with a disability;
- H. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

**Note:** An individual who is out of school at the time of registration and subsequently placed in an alternative school may be considered an out-of-school youth. After further clarification from NMDWS, an Out-of-School youth CAN be accepted and enrolled in post-secondary education, but not yet attending class.

**Exception:** not more than 5 percent of the out-of-school individuals in the following categories 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 individual and is basic skills deficient; or 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 and Sec 129(3)(A)(ii))

**Note:** Individuals ages 18 through 24 may be eligible for both Adult and Youth programs if they meet the respective eligibility requirements for both programs.

**YOUTH WITH A DISABILITY:** A youth with a disability whose family does not meet income eligibility criteria under the Act may be eligible for youth services and considered to be a low-income individual, family of one, if the youth's own income meets the income criteria established in the WIOA or meets the income eligibility criteria guidelines outlined in the NMDWS Eligibility STAG.

**PROGRAM DESIGN:** The purpose of WIOA youth services are to assist youth in making a successful transition to employment and further education. Programs are designed using effective practices; held accountable for success; and make a clear contribution to the overall goals of the local workforce area. The local board ensures that applicants and participants are provided with information on the full array of applicable or appropriate services including the ten program elements that are available through the local youth provider(s). Applicants that do not meet enrollment requirements are referred for further assessment, as necessary, and referred to appropriate programs to meet their basic skills and training needs. Furthermore, local youth programs incorporate elements to prepare individuals who lack adequate basic academic skills in order to support success in education and employment. The development of literacy and numeracy skills are also an integral part of youth program design. The Central Region has developed partnerships to ensure literacy and numeracy skill development supports a broader strategy that moves youth towards the goal of postsecondary education, training and employment.

The Central Region's program design includes the following components:

- **Objective assessment.** An objective assessment shall be conducted to include a review of basic skills, academic and occupational skill levels, prior work experience, employability, interests, aptitude, support service needs, and developmental needs. A new assessment of a participant is not required if the local service provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program as long as all the required elements are addressed.
- **Individual employment plan (IEP).** An IEP shall be developed which outlines a service strategy that identifies an employment goal; appropriate achievement objectives; and appropriate services for the participant based on the results of the objective assessment. The IEP shall be a joint effort between the youth and the youth program provider. When appropriate, the IEP should include specific literacy and numeracy goals as well as steps for attainment based on an assessment of youth's literacy and numeracy levels. A new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate

to use a recent service strategy developed for the participant under another education or training program as long as all the required elements are addressed.

- **Preparation for postsecondary education.** When determined appropriate for the participant, the following shall be made available: linkages between academic and occupational learning, preparation for employment and effective connections to intermediary organizations that provide strong links to the job market and employment.
- **Program elements.** The WIOA requires that 14 program elements be made available to all youth who are served by the WIOA youth system. These program elements are designed to address their essential needs. Local programs shall make all of these program elements available to youth participants. However, this does not mean that every youth participant shall receive all program elements. Local programs have the discretion to determine what specific program services will be provided to a youth participant, based on each participant's objective assessment and individual employment plan. The full list of the 14 program elements under WIOA section 129(c)(2) consists of:
  - (1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;
  - (2) Alternative secondary school services, or dropout recovery services, as appropriate;
  - (3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:
    - (i) summer employment opportunities and other employment opportunities available throughout the school year;
    - (ii) pre-apprenticeship programs;
    - (iii) internships and job shadowing; and
    - (iv) on-the-job training opportunities;
  - (4) Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA sec. 123;
  - (5) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
  - (6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;

- (7) Supportive services;
- (8) Adult mentoring for a duration of at least 12 months that may occur both during and after program participation;
- (9) Follow-up services for not less than 12 months after the completion of participation;
- (10) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;
- (11) Financial literacy education;
- (12) Entrepreneurial skills training;
- (13) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and
- (14) Activities that help youth prepare for and transition to post-secondary education and training.

**PERFORMANCE MEASURES:** Reference WCCNM Policy OP-401 Common Measures Policy, Change #2, until new WIOA Youth Performance Measures are developed by USDOL and NMDWS.

**OUT-OF-SCHOOL FUNDING REQUIREMENT:** At least 75 percent of the total amount of all youth formula funds allocated to a local workforce area shall be used to provide activities to out-of-school youth. Out-of-school youth is defined as a youth who not attending any school.

**SELECTION OF SERVICE PROVIDERS:** Youth service providers are competitively procured in accordance with local, state and federal procurement practices. Acceptable local procurement practices cannot be less restrictive than federal or state requirements in the awarding of grants and contracts. In no instance will a local procurement process violate New Mexico's procurement policies.

**ENROLLMENT:** All youth participants must be registered in order to collect information to support a determination of eligibility. Equal Employment Opportunity (EEO) data must be collected on individuals during the registration process.

**CO-ENROLLMENT:** See policy OP-422

**INDIVIDUAL TRAINING ACCOUNTS:** Are allowed for youth participants.

**EXPANDED WORK EXPERIENCE FOCUS REQUIREMENT:** WIOA section 129(c)(4) prioritizes work experiences with the requirement that local areas must spend a minimum of 20 percent of non-administrative local area funds on work experience. Under WIOA, paid and unpaid work experiences that have as a component academic and occupational education may include the following four categories: summer employment opportunities and other employment opportunities available throughout the school year; pre-

apprenticeship programs; internships and job shadowing; and on-the-job training opportunities. The Department encourages local programs to coordinate work experiences, particularly summer employment, with other youth serving organizations and agencies. As was encouraged through joint letters in past years with the Departments of Health and Human Services and Housing and Urban Development, coordinating with Temporary Assistance for Needy Families, Community Services Block Grant, and Community Development Block Grant programs can strengthen local summer jobs efforts.

Work experience is a critical WIOA youth program element. For PY 2015 WIOA youth funds, local areas must implement the 20 percent minimum work experience expenditure rate. Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experiences. Similar to the 75 percent OSY expenditure requirement, administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. The work experience expenditure rate is calculated for after subtracting funds spent on administrative costs. The 20 percent minimum is calculated based on non-administrative local area youth funds and is not applied separately for ISY and OSY.

**APPLICABILITY:**

Chief elected officials (CEOs), local workforce development boards (local boards), local workforce administrative entities (local administrative entities), WIOA sub-recipients and workforce system partners.

**INQUIRIES:**

WIOA Manager 505-247-1750