



ETLWDA  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT  
POLICY MANUAL

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SUBJECT: YOUTH ELIGIBILITY POLICY

APPROVED ETLWDB CHAIR

*Julie H Simpson*  
Julie H Simpson (Apr 28, 2023 09:47 EDT)

### Purpose

This policy provides guidance on WIOA Title I Youth program eligibility requirements, policies, and procedures consistent with state and federal requirements and to define "requires additional assistance to enter or complete and educational program, or to secure or hold employment."

### Background

WIOA outlines a broad youth vision that supports an integrated service delivery system and a commitment to providing high-quality services for youth, including career exploration and guidance, continued support for educational attainment, opportunities for skills training such as pre-apprenticeships or internships for in demand industries and occupations, enrollment in postsecondary education, or a Registered Apprenticeship.

### Policy & Instructions

Youth must meet eligibility requirements. WIOA establishes separate eligibility criteria for out-of-school youth (OSY) and in-school youth (ISY).

1. Out-of-school Youth is defined as:
  - A Not attending any school at the time of enrollment;
  - B 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 (20 CFR 681.210); and
  - C 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, aged 16 to 24 who meets the criteria defined in Violence Against Women Act of 1994 Section 41403(6), a homeless child or youth aged 16 to 24 who meets the criteria defined in the McKinney Vento Homeless Assistance Act Section 725(2), 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; and/or
  - Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.
2. In-school Youth is defined as:
- D. Attending school at the time of enrollment;
  - E. Not younger than 14 or older than 21 (unless an individual with a disability who is attending school under State law) at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program 20 CFR 681.220);
  - F. Low-income; and
  - G. 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 Violence Against Women Act of 1994, a homeless child or youth aged 14 to 21 who meets the criteria defined in the McKinney Vento Homeless Assistance Act, 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;
    - Requires additional assistance to complete an educational program or to secure or hold employment.

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

#### 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 parole, and other immigrant authorized by the Attorney General to work in the United States (WIOA Section 188(a)(S)).

#### Selective Service Registration Requirement for Males Under Age 26

Before enrollment in WIOA Title I funded services, all males who are not registered with Selective Service and have not reached their 26th 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.

#### Documentation for Participant Eligibility

Documentation is required to support WIOA Title I youth eligibility (see Attachment I Youth Eligibility Criteria and Documentation). Local Workforce Development Boards must conduct program oversight and monitoring of the career service provider and local youth workforce investment activities as outlined in WIOA Section 107(d)(8). Documentation

will be stored electronically by uploading the documents into the participant's file in Jobs4TN. Documentation must be available to program staff, fiscal monitors, and auditors for monitoring purposes. A case note may be added with the documentation indicating the eligibility requirements that the document is supporting.

### Determining School Status

To determine school status for youth participants, service provider staff must follow the definitions below.

*School* - Any secondary or postsecondary school as defined by the applicable State law (TCA 49-6- 301, 49-6-401, and 49-7-2003) for secondary and postsecondary institutions. For purposes of WIOA, the Department does not consider providers of adult education under Title II of WIOA, Youth Build 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 in-school youth.

*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 postsecondary institution. Such schools and/or institutions include, but are not limited to Tennessee Colleges of Applied Technology, community colleges, 4-year college/university, traditional K-12 public and private, and alternative (e.g., continuation, magnet, charter, and home) schools. Service provider staff must evaluate the following at the 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 in-school youth if they are enrolled to continue school in the fall.
- enrolled in the youth program between high school graduation and postsecondary education, the youth is considered an in-school youth if they are registered for postsecondary credit-bearing courses, even if they have not yet begun postsecondary classes at the time of enrollment.
- does not follow through with attending post-secondary education, then such a youth would be considered an out-of-school youth if the eligibility determination were made after the point that the youth decided not to attend postsecondary education.

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

*Not Attending School* - An individual who is not attending a secondary or postsecondary institution.

*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).

### Determining Basic Skills Deficiency

An individual that has English reading, writing, or computing skills at or below the 8th 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.

The WIOA Title II contractor for East LWDA will facilitate appropriate testing, when applicable, in order to certify candidates' basic skills deficiency. When WIOA Title II testing is not applicable, local service providers may administer testing. This policy provides for the use of formalized testing instruments that are valid, reliable, appropriate, fair, cost effective, and easy to administer and interpret. Assessment instruments must be appropriate for the target population, and provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. If the individual is found to be basic skills deficient, this must be recorded in the State management information system.

### Term of the Individualized Education Account

For in-school youth and 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 he or she receives a high school diploma, or receives a passing score on all subtests of an approved high school equivalency assessment.
- C The student reaches twenty-two (22) years of age. The student may complete the school year in which he or she reaches the age of twenty-two (22), provided a student shall not be enrolled in the program past August 15 of the next school year after they have reached twenty-two (22). Determining 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 or 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
  - 70 percent (70%) of the lower living standard income level. (For additional guidance, see Low Income Guidelines policy);
- C Is a homeless individual;
- D Receives or is eligible to receive free or reduced price lunch;
- E Is a foster child on behalf of whom State or local government payments are made;
- F Is an individual with a disability whose own income meets the low-income level for eligibility purposes; or
- G Is a youth who resides in a high poverty area.

#### Five (5) Percent Low-Income Eligibility Exception

WIOA allows a low-income exception 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 for the low-income criteria. A program must calculate the five (5) 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 (5) percent low-income exception under WIOA is calculated based on the five percent (5%) of youth enrolled in a given program year who would not ordinarily be required to meet the low-income criteria. The request for a 5% Youth Eligibility Exception/Limitation approval must be submitted in writing using the 5% Youth Eligibility Exception/Limitation Form and approved by the Executive Director prior to enrollment. A copy of the form must be included in the electronic participant "Eligibility/ Enrollment" Packet.

#### Determining Additional Assistance for OSY and ISY Criteria

##### A Requiring Additional Assistance for OSY only

- Has not enrolled in postsecondary school or entered a career path within one year of completion of secondary school to include lack of full-time employment or history of employment with earnings below self-sufficiency guidelines;
- Is required to enroll in remedial or developmental coursework in postsecondary;
- Has dropped out of a postsecondary educational program as documented by school records;
- Has been fired from a job within the 6 months (or longer if last job) prior to application;
- Has neither the work experience nor the credential required for an occupation in demand for which training is necessary and will be provided;
- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks (age 18 or older only); and
- Has been referred to, is being treated by, or has previously been treated by an agency for substance abuse.



B. Requiring Additional Assistance for ISY only

- Has poor attendance patterns, including truancy and chronic absenteeism, in an educational program during the last 12 calendar months;
- Has been expelled from school within the last 12 calendar months;
- Has been suspended from school within the last 12 calendar months;
- Has a grade point average of less than 2.0;
- Has a court/agency referral mandating school attendance;
- Is attending an alternative school/education program or has been enrolled in an alternative school within the past 12 months;
- Is or was a Ward of the State
- Has repeated at least one (1) secondary grade level;
- Are previous dropouts
- Is deemed at risk of dropping out of school by a school official; and
- Is required to enroll in remedial or developmental coursework in postsecondary

C. Requiring Additional Assistance for In-School and Out-of-School Youth

- Has been referred to or treated by an agency for substance abuse/psychological problems
- A victim of domestic abuse or violence
- Has a currently incarcerated parent(s)
- Are emancipated Youth
- Involved in gang activity
- Alienated by sexual orientation
- Has experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional

Note: All items must be documented by school records or records by other qualified professionals

Five (5) Percent Additional Assistance Barrier Limitation for ISY

WIOA states that each local area must ensure, no more than five (5) percent of ISY enrolled in the program year are eligible only based on the "needs additional assistance" criterion. The five (5) percent limitation criterion for additional assistance applies to ISY only.

References

WIOA Section 129(a), 20 CFR 681.230-250, TEGL 21-16

## 5% Youth Eligibility Exception/Limitation Approval Form

I (Case Manager), \_\_\_\_\_, am requesting a 5% Eligibility Exception approval.

Applicant Name: \_\_\_\_\_ VOS SID# \_\_\_\_\_

Who has the following barriers to self-sufficient employment:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Services to be provided:

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WIOA Care Specialist Signature ----- Date

Approved \_\_\_\_\_ Denied \_\_\_\_\_ DATE \_\_\_\_\_

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E.L. Morton – Executive Director, ETHRA Workforce Services







# ETLWDB Youth Eligibility Policy

Final Audit Report

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