

POLICY TYPE: Eligibility for WIOA Youth Services
EFFECTIVE: August 19, 2015
REVISED: August 26, 2020

**REFERENCES:**

- Workforce Innovation & Opportunity Act (WIOA) – Public Law 113 – 128, Section 128 Within State Allocations
- Workforce Innovation & Opportunity Act (WIOA) – Public Law 113 – 128, Section 129 Use of Funds for Youth Workforce Investment Activities
- 20 CFR Part 681, Youth Activities Under Title 1 of WIOA
- Training and Employment Guidance Letter (TEGL) 21-16, WIOA Title 1 Youth Formula Program Guidance
- Oregon Administrative Rule 581-023-0006(4)(b) Student Accounting Records and State Reporting
- Oregon Administrative Rule 581-023-0006(11)(c) Student Accounting Records and State Reporting

**PURPOSE:**

To establish a comprehensive policy for the registration of youth participants under the Workforce Innovation & Opportunity Act to ensure that only eligible individuals are served with WIOA Youth funds.

**POLICY:**

To be eligible to participate in activities carried out under WIOA, during any program year an individual shall, at the time the eligibility determination is made, be an out-of-school youth (OSY) or an in-school youth (ISY) and meet all of the designated youth criteria. WIOA youth must also comply with Selective Service registration requirements and U.S. citizenship/eligibility to work requirements.

**OUT-OF-SCHOOL YOUTH ELIGIBILITY.**

An OSY is an individual who is:

1. Not attending any school. OSY are eligible for WIOA services if attending Adult Education provided under YouthBuild, or Job Corps.
2. Not younger than age 16 or older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program.
3. One or more of the following:
  - a school dropout;
  - a youth who is within the age of compulsory school attendance, but has not attended school for 10 consecutive days;

- 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;
- an offender;
- a homeless individual 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 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;
- an individual who is pregnant or parenting;
- an individual with a documented disability;
- a low-income individual who requires additional assistance to enter or complete an educational program to secure or hold employment. **Additional Assistance (defined below) can only be used in conjunction with another eligibility barrier.** Lane Workforce Partnership defines this barrier as having any of these characteristics:
  - academic or behavioral problems as evidenced by their Individualized Educational Plan (IEP);
  - lacking technical or vocational skills to secure employment or youth has never held a job or has not held a job for longer than three (3) consecutive months, or is currently unemployed and was terminated from a job within six (6) months of program application (OSY);
  - Limited-English Proficient (LEP). Limited English Proficiency pertains to those Youth/young adults who are not proficient in the English language, regardless of where they were born, their level of education, or their native culture;
  - an emancipated youth;
  - has been referred to or is being treated for a medical or substance abuse related problem;
  - has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or professional;
  - has a parent that is incarcerated;
  - has a family history of chronic unemployment including long-term public assistance.

#### **NONINTERFERENCE AND NONREPLACEMENT OF REGULAR ACADEMIC REQUIREMENTS-**

No funds shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

#### **IN-SCHOOL YOUTH ELIGIBILITY.**

An ISY is an individual who is:

1. Attending school, including secondary and post-secondary school;
2. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at the time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program;

3. A low-income individual. A youth is low income if he or she receives or is eligible to receive free lunch - WIOA sec 3(36), receives, or is a member of a family that receives cash payments under a federal or state public assistance program, or received an income or is a member of a family whose 6-month income is 70% of the Lower Living Standard Income Level (LLSIL);

**And one or more of the following:**

- basic skills deficient – have English, reading, or math computing skills at or below the 8<sup>th</sup> grade level on an accepted standardized test;
- an English language learner;
- an offender;
- a homeless individual or 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 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;
- an individual who is pregnant or parenting;
- an individual with a documented disability;
- an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. **Needs Additional Assistance (defined below) should only be used in conjunction with another eligibility barrier.** Lane Workforce Partnership defines this barrier as having any of these characteristics:
  - academic or behavioral problems as evidenced by their Individualized Educational Plan (IEP);
  - Limited-English Proficient (LEP). Limited English Proficiency pertains to those Youth/young adults who are not proficient in the English language, regardless of where they were born, their level of education, or their native culture;
  - an emancipated youth;
  - has been referred to or is being treated for a medical or substance abuse related problem;
  - has experienced recent traumatic events, is a victim of abuse, or resides in an abusive environment as documented by a school official or professional;
  - has a parent that is incarcerated;
  - has a family history of chronic unemployment including long-term public assistance.

**CONSISTENCY WITH COMPULSORY SCHOOL ATTENDANCE LAWS.**

In providing assistance under this section to an individual who is required to attend school under applicable State compulsory school attendance laws, the priority in providing such assistance shall be for the individual to attend school regularly.

**EXCEPTION FOR PERSONS WHO ARE NOT LOW-INCOME INDIVIDUALS.**

WIOA allows a low-income exception where not more than five (5) percent of WIOA participants meet all other eligibility criteria except the low-income criteria. 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 (5) percent of youth enrolled in a given program year who would ordinarily be required to meet the

low-income criteria. Registration of over-income youth requires approval from Lane Workforce Partnership staff prior to being determined eligible.