

**WDA 16**

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**Policy Letter 04-2015**

**Policy: Youth Eligibility Policy**

**PURPOSE**

The purpose of this policy is to communicate guidance and parameters when determining eligibility requirements of individuals for Workforce Innovation and Opportunity Act (WIOA)-funded youth employment and training programs.

1. **WORKFORCE DEVELOPMENT BOARD APPROVAL**

Motion 28-2015 approved on August 28, 2015.

1. **BACKGROUND**

WIOA affirms the commitment to provide high quality services for 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, and culminating with a good job along a career pathway or enrollment in post-secondary education.

The WIOA youth program is designed to provide services, employment, and training opportunities to those who can benefit from, and who are in need of such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle a youth to receive certain program elements and services. Local decisions on whether to provide specific services must be based upon local policy considerations.

1. **DEFINITIONS**

**Age of compulsory school age**: a child who is between six (6) and 18 years of age.

**Alternative school:** schools which offer specialized, structured curriculum inside or outside of the public school system which may provide work/study and/or academic intervention for students with behavior problems, physical/mental disabilities, who are at-risk of dropping out, who are

institutionalized or adjudicated youth and/or youth who are in the legal custody of the Ohio Department of Youth Services and are residing in an institution. An alternative school must be approved by the local education agency.

**Attending school**: an individual who is enrolled and/or attending secondary or postsecondary school.

**Basic skills deficient**: a youth who has English reading, writing, or computing skills at or below the 8th grade on a generally accepted standardized test or who 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.

**Charter school:** public, nonprofit, nonsectarian, tuition-free schools operating independently of a school district, but under contract with a Sponsor that has been approved by the Ohio Department of Education.

**Chronic truant**: any child of compulsory school age who is absent without legitimate excuse from absence from the public school the child is suppose to attend for seven or more consecutive school days, ten or more school days in one month, or fifteen or more school days in a school year.

**Covered individual:** an eligible in-school youth, or an eligible out-of-school youth who is low income and meets one of the following criteria:

* Has a secondary school diploma or its recognized equivalent and is basic skills deficient or an English language learner; or
* Requires additional assistance to enter or complete an educational program or to secure or hold employment.

**Disability:** Any person who has a physical, sensory, or mental impairment, which substantially limits one or more major life activities per the American Disabilities Act of 1990 (42 U.S.C. 12102) and has record of such impairment or is regarded as having such impairment.

**Enrollment:** the collection of information to support eligibility determination and participation in any one of the 14 program elements.

**Family:** two or more persons related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

* Two spouses and dependent children.
* A parent or guardian and dependent children.
* Two spouses.

**Habitual truant:** any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year.

**Homeless children and youth (section 725 (2) of the McKinney-Vento Homeless Assistance Act):** An individual who lacks a fixed, regular, and adequate nighttime residence and includes the following:

* Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
* Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
* Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
* Migratory children who qualify as homeless for the purpose because the children are living in one of the previously mentioned circumstances.

**Homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)):** An individual who lacks a fixed, regular, and adequate nighttime residence and includes:

* An individual who:
* Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason:
* Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
* Is living in an emergency or transitional shelter;
* Is abandoned in a hospital; or
* Is awaiting foster care placement.
* An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
* Migratory children who qualify as homeless because the children are living in circumstances listed above.

**Individual with a disability:** an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

**Low-income individual:** An individual who –

1. 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), temporary assistance for needy families (TANF), or the supplemental security income (SSI) or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of –
* The poverty line; or
* 70 percent of the lower living standard income level.
1. Is a homeless individual;
2. Receives or is eligible to receive a free or reduced price lunch;
3. Is a foster child on behalf of whom the State or local government payments are made; or
4. Is an individual with a disability whose own income meets the eligibility income requirement of clause (b) but who is a member of a family whose income does not meet this requirement.

**Participation:**  the point at which the individual has been determined eligible for youth program services, has received an assessment, and has received or is receiving at least one program element and is the point at which the individual is to be included in calculations for performance measures.

**Postsecondary school:** any schooling that follows graduation from high school or completion of high school equivalency, including community colleges, four-year colleges and universities, and technical and trade schools.

**Runaway**: a young person who has run away from home.

**Secondary school:** a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.

**School:** any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

**School dropout:** an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.

1. **REQUIREMENTS**

**In-School Youth Eligibility Requirements**

Eligibility for in-school youth, who at the time of enrollment, is:

1. Attending school;
2. Not younger than 14 or (unless an individual with a disability who is attending school under state law) older than age 21;
3. Is a low-income individual; and
4. Has one or more of the following barriers:
* Basic skills deficient;
* An English language learner;
* An offender;
* A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
* Pregnant or parenting;
* An individual with a disability; or
* An individual who requires additional assistance to complete an education program or to secure or hold employment as defined by the local area.
* WDA-16 has defined additional assistance as:

An individual who lacks significant work experience; ***or*** is behind at least one grade level; ***or*** receives or is a member of a family that receives or is at risk of receiving public assistance (TANF/OWF/PRC/Food Stamps/ Medicaid); ***or*** a child living in out-of-home placement; ***or*** a youth that has a disability to include emotional dependency, behavioral disorder, psychological or physical, including those medicated; ***or*** a individual who requires additional financial assistance to complete an educational program or to secure and hold employment.

**Out-of-School Youth Eligibility Requirements**

Eligibility for out of school youth, who at the time of enrollment, is:

1. Not attending any school;
2. Not younger than 16 or older than age 24; and
3. Has one or more of the following barriers:
* A school dropout;
* A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
* A recipient of a secondary school diploma or its recognized equivalent who is a low income individual and is basic skills deficient or an English language learner;
* An individual who is subject to the juvenile or adult justice system;
* A homeless individual (as defined in section 41403(6) of the Violence Again Women Act of 1994 (42 U.X.C. 14043e-2(6))), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
* An individual who is pregnant or parenting;
* A youth who is an individual with a disability; or
* A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment as defined by the local area.
* WDA-16 has defined additional assistance as:

An individual who lacks significant work experience; ***or*** is behind at least one grade level; ***or*** receives or is a member of a family that receives or is at risk of receiving public assistance (TANF/OWF/PRC/Food Stamps/ Medicaid); ***or*** a child living in out-of-home placement; ***or*** a youth that has a disability to include emotional dependency, behavioral disorder, psychological or physical, including those medicated; ***or*** a individual who requires additional financial assistance to complete an educational program or to secure and hold employment.

**School**

For the purposes of youth eligibility, school includes secondary and post-secondary schools. It does not include attending classes with Adult Basic Literacy Education (ABLE), YouthBuild, or JobCorps.

**Compulsory School Attendance**

Children of certain age range are required to receive some type of formal education whether it be through public, private, or home schooling. In Ohio, compulsory education laws require children between the ages of six (6) and 18 to attend school. The laws make some exception, including if the child:

* Received a high school diploma before the age of 18;
* Is over the age of 14 years old, lawfully employed, and it is necessary that he or she work;
* Has a physical or mental condition that does not allow for school attendance; or
* Is homeschooled.

For the purposes of this policy, if a child is being homeschooled, the child would be considered to be an in-school youth as long as all other eligibility criteria have been met.

**Most Recent Complete School Year Calendar Quarter**

Because school districts differ in what they use for school year quarters, the time period of a school year quarter is based on how the local school district or the charter school defines its school year quarters.

**Dropout Status**

Program Operators must verify a youth's dropout status at the time of enrollment into the youth program. A youth attending an alternative school at the time of enrollment is not a dropout. A youth who is out-of-school at the time of enrollment and subsequently placed in an alternative school or any school, is an out-of-school youth.

**Basic Skills Deficient**

In assessing basic skills, local programs must us assessment instruments that are valid and appropriate for the target population. The program must also provide reasonable accommodation in the assessment process, if necessary, for people with disabilities.

**Additional Criteria for Low Income**

The term, low income, used to determine youth program eligibility includes a youth living in a high-poverty area. Census data is available to the local areas to assist in determining poverty rates for particular communities. If the poverty rate for a particular community is at least 30%, a youth living in that community may be considered low income.

The website containing this information is <http://development.ohio.gov/reports/reports_am_com_survey.htm>. Information is contained under "Selected Socio-economic Measures" and is broken down by county and within the county, by city or village. The spreadsheet will show the "Ratio of Income to Poverty Level." If the percentage for the "0% to 99%" is at least 30%, the high-poverty area criterion is met.

**5% Exception of Youth Eligibility**

Up to five (5) percent of in-school and out-of-school youth participants served by youth programs in a local area may be individuals who would be covered individuals except that the persons are not low-income.

**5% Limitation of In-School Youth Eligibility**

Not more than five (5) percent of in-school youth may be eligible based upon being an individual who requires additional assistance to complete an educational program or to secure or hold employment.

**Selective Service Eligibility**

Male youth participants who are 18 years of age and older and have fulfilled registration requirements of the Military Selective Service Act (MSSA) are eligible to participate in WIOA-funded programs and services. WDA-16 Policy Letter 05-2015, **Selective Service Registration,** provides guidelines for selective service registration requirements.

A male youth applicant, age 18 years old and older, who has not registered for the selective service or who is unwilling to register, will be denied any WIOA program services.

**Co-Enrollment with other Programs**

Youth may participate in both the WIOA youth program and the adult program at the same time if they are eligible for both, and it is appropriate. The determination of the appropriateness of co-enrollment is based on the service needs of the participant and if the participant is career-ready based on an objective assessment of their occupational skills, prior work experience, employability, and participant's needs.

If such concurrent enrollment occurs, the local area must track expenditures separately by program.

Youth may not be co-enrolled in the WIOA dislocated worker program, because any youth meeting the eligibility for the dislocated worker program would have already successfully attained a job and would most likely be more appropriately served under the dislocated worker program.

Youth who are eligible under both programs may enroll concurrently in WIOA youth program and the Adult Basic Literacy Education (ABLE) under WIOA Title II.

1. **OUT OF SCHOOL PRIORITY**

For any program year, not less than 75 percent of the funds available to local areas shall be used to provide youth workforce investment activities for out-of-school youth.

1. **REPORTING AND MONITORING**

As recipients of WIOA youth program funds, the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development and the local workforce development areas are required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA youth participants and their activities and performance must be entered into the Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of youth eligibility. WDA-16 Policy Letter 02-2015 Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA youth program.

The area must conduct oversight of the implementation of the WIOA youth program to ensure that participants enrolled in the program are eligible and that eligibility has been properly documented.

Through the state’s monitoring system, program monitors will review the local area’s determination of eligibility for youths, including a participant file review, during the annual onsite monitoring review for compliance with federal and state laws and regulations. Any issues will be handled through the state’s monitoring resolution process.

 **END**