



# OC Community Resources

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**To:** WIOA and Other Subrecipients of the Orange County  
Workforce Development Area

**From:** Carma Lacy  
Director of Workforce Development

**Subject:** WIOA Youth Program - Participant Eligibility Requirements  
Information Notice No. 21-OCWDB-16  
Supersedes Information Notice No. 17-OCDB-12

## PURPOSE

This policy provides guidance to the Service Providers of the Orange County Workforce Development Board (OCWDB) regarding the participant eligibility requirements of the Workforce Innovation and Opportunity Act (WIOA) Youth Program.

## EFFECTIVE DATE

This policy is effective immediately upon issuance.

## REFERENCES

- Workforce Innovation and Opportunity Act (WIOA) of 2014 (Public Law 113-128, 203)
- Title 20 C.F.R. Part 675.300, 681 and 683
- 29 U.S.C. 3102(36)(A)
- USDOL, Training and Employment Guidance Letter (TEGL) 21-16, *Third WIOA Title I Youth Program Guidance* (March 2, 2017)
- USDOL, TEGL 8-15, *Second Title I WIOA Youth Program Transition Guidance* (November 17, 2015)
- TEGL 23-14, *WIOA Youth Program Transition* (March 26, 2015)
- TEGL 19-14, *Vision for the Workforce System and Initial Implementation of the WIOA* (February 19, 2015)
- TEGL 26-13, *Same-Sex Marriage* (June 18, 2014)
- California Education Code (EC) Sections 47612.1, 58500, 66010 42 U.S.C. 11434a(2), 20 U.S.C. 6399
- Workforce Services Directive (WSD)18-03, *Pathway to Services, Referral, and Enrollment* (August 29, 2018)
- WSD17-07, *WIOA Youth Program Requirements* (January 16, 2018)
- WSD16-18, *Selective Service Registration* (April 10, 2017)
- Violence Against Women Act of 1994 (34 U.S.C. 12473(6) section 41403(6))



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## **Background**

Title I of WIOA outlines an integrated service delivery system and provides a framework through which states and local workforce development areas (local areas) can leverage other federal, state, local, and philanthropic resources to support in-school and out-of-school youth. The WIOA youth program is designed to provide services, employment, and training opportunities to those who can benefit from and who need such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle an individual to receive program elements and services. All elements must be made available to the eligible youth population, whether funded by WIOA or other resources, but the decision on whether to provide a specific service to a youth participant must be based upon the individual's needs, appropriateness for the service, and funding availability.

## **Definitions**

Adult Education – Academic instruction and education services below the post-secondary level that increases an individual's ability to read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to post-secondary education and training; and obtain employment.

Alternative school – An alternative school is a type of school designed to achieve grade-level (K-12) standards and meet student needs. Examples of alternative schools include, but are not limited to, continuation, magnet, and charter schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

Attending School – An individual is considered to be attending school if the individual is enrolled in secondary or postsecondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School (IS) youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered Out-of-School (OS) youth if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered IS youth if they are enrolled to continue school in the fall.

Basic skills deficient - A youth who has English reading, writing, or computing skills at or below the eighth grade level, based on a generally accepted standardized test, or a youth or adult 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 California Department of Education (CDE).

English language learner (ELL) - An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language.

Family – Two or more persons related by blood, marriage (including same-sex marriages), or decree of court, who are living in a single residence and are included in one or more of the following categories:

- A married couple (including same-sex spouses), and dependent children;
- A parent or guardian and dependent children; or
- A married couple (including same-sex spouses). Consistent with, the definition of “marriage” includes same-sex spouses, and the terms “husband” and “wife” are to be interpreted in a gender-neutral manner to include same-sex spouses.

Homeless child or youth - 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; or are abandoned in hospitals;
- 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 (as such term is defined in) who qualify as homeless for the purposes of this part because the children are living in one of the previously mentioned circumstances.

Homeless individual - 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 who:

- Has a physical or mental impairment that substantially limits one or more major life activities of such individual;
- Has a record of such an impairment; or
- Is regarded as having such impairment.

Low income individual - An individual who:

- Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the

supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or supplemental security income (SSI), or State or local income-based public assistance;

- 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.
- Is a homeless individual or homeless child or youth;
- Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), (does not include students in school districts participating in the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010);
- Is a foster child on behalf of whom the State or local government payments are made; or
- Is an individual with a disability whose own income meets the eligibility income requirement of clause (2) but who is a member of a family whose income does not meet this requirement.

Not Attending School – An individual who is not attending a secondary or post-secondary school. In addition, individuals enrolled in the following programs would be considered an OS youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, or dropout re-engagement programs.
  - Exception: 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 considered In-School Youth (ISY)
- Non-credit bearing post-secondary classes only
- A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, or California Conservation Corps or a state certified local conservation corps.).

Offender – An adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

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 the point at which the individual is to be included in calculations for performance measures.

Post-secondary School – California community colleges, and accredited public and private universities.

School – Any secondary or post-secondary school. These include, but are not limited to: traditional K-12 public and private (e.g., continuation, magnet, charter, and home) schools.

School Dropout – An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. This term does not include individuals who dropped out of post-secondary school.

Secondary School – A nonprofit institutional day or resident 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.

## **Policy and Procedures**

### **Youth Eligibility Criteria**

Local areas implementing WIOA Youth services must ensure that participant eligibility for such services and participant school status is accurately determined based on the following requirements. Each eligibility factor must be verified in accordance with the policy on source documentation for WIOA programs.

### **Out-of-School Youth Eligibility**

In order to receive services as an OS youth, an individual must meet the following eligibility criteria:

1. Not attending any secondary or postsecondary school (not including Title II Adult Education, YouthBuild, Job Corps, high school equivalency programs [exceptions in definitions], non-credit bearing postsecondary classes, dropout reengagement programs or charter schools with federal and state workforce partnerships). 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 ISY.
2. Age 16-24 years old at time of enrollment; and,
3. 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. (Note: If the school does not use school year quarters, calendar quarters shall be used)
  - 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 who is in foster care or 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 the Social Security Act, or in an out-of-home placement;
  - An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers);
  - 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

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OS youth at time of enrollment

and is subsequently placed in a GED program at an adult school, or any school, is still considered an OS youth. Additionally, an individual who is an OS youth and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OS youth until exited.

### **In-School Youth Eligibility**

In order to receive services as an IS youth, an individual must meet the following eligibility criteria:

1. Attending school, including secondary and post-secondary school;
2. Age 14-21 years old (A youth with disabilities who is in an individualized education program at the age of 22 may be enrolled as an IS youth)
3. Low income individual; and,
4. Meets one or more of the following barriers:
  - Basic skills deficient;
  - An English language learner;
  - An offender;
  - A homeless individual or a runaway;
  - An individual who is in foster care or 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 the Social Security Act, or in an out-of-home placement;
  - Pregnant or parenting (custodial and non-custodial parent including non-custodial fathers);
  - Individual with disability; or,
  - An individual who requires additional assistance to complete an educational program or secure and hold employment.

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an IS youth and between the ages of 14-21 at the time of enrollment, and is now beyond the age of 21, is still considered an IS youth until exited.

### **Low-Income**

Under WIOA, a youth who receives or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act, is considered to be low-income. While the free/reduced lunch low-income category primarily applies to IS Youth, OS youth may also qualify as low income if the youth is a parent living in the same household as a child who receives or is eligible to receive free or reduced-price lunch based on their income level. However, not all youth who receive a free or reduced priced lunch automatically qualify as low income for the WIOA youth program eligibility. In areas where a school district subsidizes all student meals under the Hunger-Free Kids Act of 2010, the Local Area must base low-income status on an individual student's eligibility to receive free or reduced-price lunch or on the youth's ability to meet one of the other low-income categories under WIOA.

A youth living in a high-poverty area is automatically considered to be a low-income individual. A high-poverty area is a Census tract or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey (ACS) 5-Year data. ACS 5-Year data is available on the U.S. Census website.

## **Calculating Income**

For income calculation purposes, if an individual is not living in a single residence with other family members that individual is not considered a member of a family. When determining a youth's eligibility based on low-income status, Service Providers must do the following:

- Include Unemployment Insurance as income.
- Include child support payments as income.
- For IS youth with a disability, consider only the youth's own income rather than their family's income.

An Income Worksheet (Attachment I) must be completed and placed in the participant's file, if applicable.

## **Low-Income Exception**

The WIOA maintains a 5 percent low-income eligibility exception where 5 percent of youth participants meet all eligibility requirements except for the low-income provision. However, because not all OS youth are required to be low-income, the 5 percent low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. The 5 percent low-income exception may include OS youth eligible as 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 or a low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment, IS youth, or a combination of both, not to exceed 5 percent of all WIOA youth participants served for a given program year. Service Providers must obtain approval from the Orange County Director of Workforce Development prior to enrolling participants under the 5 percent low-income exception. This low-income exception is to be used as a last resort.

## **Requires Additional Assistance & 5 Percent Limitation for In-School Youth**

Under WIOA, no more than 5 percent of IS youth enrolled in a given program year may be found eligible based solely on meeting the criterion, "requires additional assistance." Service Providers must obtain approval from the Orange County Director of Workforce Development prior to enrolling participants under the 5 percent limitation. For eligibility and documentation requirements for "requires additional assistance", see OCWDB WIOA Documentation Requirements Policy.

## **Barriers**

### **1. Dropout Barrier**

Providers must verify a youth's dropout status at the time of program enrollment. If a youth has not received a high school diploma or a recognized equivalent and is not attending any school at the time of eligibility determination, he or she is considered a dropout and is an OSY. A dropout only includes an individual who is currently a secondary school dropout at the time of enrollment and does not include a youth who previously dropped out of secondary school but subsequently returned.

A youth receiving alternative secondary school services at the time of enrollment is not a dropout. A youth who is an OSY at the time of enrollment and is subsequently placed in alternative secondary school services (or any school) remains an OSY. Additionally, a youth who has stopped attending postsecondary education is not a dropout for the purposes of youth program eligibility.

## 2. Basic Skills Deficient Barrier

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

### **General Program Eligibility Criteria**

In addition to the preceding policy requirements that apply to eligibility for Youth Program services, the following general program eligibility criteria apply to the WIOA Youth Program:

- Citizenship Status verification
- Selective Service registration
- Age

### **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. OCWDB Selective Service Registration Policy provides further guidance on this requirement.

If a male reaches his 18th birthday during WIOA program participation, he must register for selective service to continue receiving WIOA youth program services. A male youth applicant who is 18 years old or older who has not registered for the selective service or who is unwilling to register will be denied any WIOA program services.

### **Veterans and eligible spouses**

Veterans and eligible spouses must be given priority for services in all WIOA programs. It is imperative that Service Providers identify these individuals as soon as they contact the program and give them priority of service.

### **Co-Enrollment with Other Programs**

Young Adults may participate in both the WIOA youth program and the adult program at the same time if they are eligible and appropriate for both. The determination of the appropriateness for co-enrollment is based on the participant's service needs, career readiness, occupational skills, prior work experience, and employability. 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 the WIOA youth program and program services under WIOA Title II.

### **Out-of-School Priority**

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

### **Registration**

Youth who receive services under WIOA Title I must be *registered* and must be a participant.



*Registration* is the process for collecting information to support a determination of eligibility. It is also the point at which performance accountability information begins to be collected. For an individual to be registered into a WIOA program, the following must occur:

1. The individual must complete the application/eligibility determination process;
2. The individual must provide the documentation required to substantiate his/her eligibility; and
3. Appropriate activity code for the individual is entered into the CalJOBS<sup>SM</sup> system.

### **Documentation**

Service Providers shall ensure proper documentation of participant eligibility determination which shall be kept in the participant files and available anytime for inspection and review by local, State and Federal monitors. Self-attestation cannot be used to document 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. Refer to OCWDB WIOA Documentation Requirements Policy for more information regarding documentation.

### **Data Management**

Service Providers shall ensure that accurate participant eligibility information is reflected in the CalJOBS<sup>SM</sup>.

### **ACTION**

Bring this policy to the attention of all staff and relevant parties.

### **INQUIRIES**

If you have any questions regarding this policy, please contact your Contract Administrator at 714-480-6500.

### **ATTACHMENTS**

Attachment I: Income Worksheet

WIOA Income Calculation Worksheet

Eligibility Date:  Need Income From:

Name:

Calculation Method:  Straight Pay or Salary  Year -To- Date Method  
 Average Pay  Intermittent  
 Homeless  Foster Child  
 Individual with a Disability (must verify income)

Month	#####	#####	#####	#####	#####	#####	Total
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**Participant**

<i>Participant Name</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
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**Family Members**

Name							
<i>Relationship (age)</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

*Title I Inclusions (see tab B for full list)*

Soc Sec Retirement							\$0.00
Pensions							\$0.00
Worker Comp							\$0.00
Alimony							\$0.00
Interest and dividends							\$0.00
Veterans Payment							\$0.00
Soc Sec Disability Ins							\$0.00
Net Rental Income							\$0.00
Other:							\$0.00
<b>WIOA Eligibility Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

**WIOA Title I Eligibility**

Family size\*:  Annualized total gross income (x2): \$0.00  
 \*See tab A for full definition Max. family income for family size: \$  
 Low income: Yes  No

**CERTIFICATION:** I attest that all information provided above is true to the best of my knowledge and that there is no intent to commit fraud.

Staff Interviewer Signature & Date

Staff Reviewer Signature & Date