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To: WIOA Service Providers of the Orange County
Workforce Investment Area

From: Andrew Munoz
Community Investment Division Administrator/
Workforce Investment Board Executive Director 

Subject: WIOA Title I Youth – Requires Additional Assistance, Basic
Skills Deficient and English Language Learner
Information Notice No. 15-OCWDB-02
Supersedes Information Notice No. 08-OCWDA-20

PURPOSE:

To define OCWIB criteria and eligibility documentation requirements relating to *'requires additional assistance to complete an educational program, or to secure and hold employment'* which shall be referred to as the 'Additional Assistance Eligibility Barrier' and to define documentation which must support the categorization 'Deficient in Basic Literacy Skills' and "English Language Learner".

This policy supersedes Information Notice 08-OCWDA-20.

Note: This policy is being issued pending the release of WIOA final regulations and future policy guidance issuances by the DOL and the State that impact eligibility for Youth services. At such time, if there are substantial changes, an amendment this policy (WIOA Title I Youth – Requires Additional Assistance, Basic Skills Deficient and English Language Learner) will be issued; otherwise, this policy stays in effect.

EFFECTIVE DATE:

This notice is effective on the date of OCWIB approval.

REFERENCE:

- Workforce Innovation and Opportunity Act (WIOA) Sections 3(5), 129 (a)(1)(B)(iii)(VIII); 129 (a)(1)(C)(iv)(VII); 129 (a)(3)(B)
- Workforce Innovation and Opportunity Act; Notice of Proposed Rulemaking; Proposed Rules 20 CFR 681 (Youth Activities Under Title I of the WIOA), April 16, 2015
- EDD Workforce Services Directive WSD15-03, WIOA Youth Program Requirements, September 16, 2015
- WIA Final Regulations Title 20 CFR, Section 664.210
- Workforce Investment Act of 1998, Sections 101(13) and 203(12)
- WIA State Directive WSD14-14: Title I Eligibility, September 2014
- State WIA Eligibility Technical Assistance Guide (TAG); Revised September 2014
- Title 20 CFR Part 652 et al; Preamble, Subpart B-Eligibility for Youth Services, p.49349



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OC Community Services

BACKGROUND

Regulations state, in part, that a low-income young adult is eligible for services if he or she 'requires additional assistance to complete an educational program, or to secure and hold employment'.

Local areas have the flexibility to develop their own policies, procedures, criteria and definitions of eligibility including the 'Additional Assistance Eligibility Barrier' and supporting documentation regarding 'Deficient in Basic Literacy Skills' and 'English Language Learner' barriers.

POLICY AND PROCEDURE:

1. This policy is intended to establish OCWIB's guidelines on 'Additional Assistance Eligibility Barrier', 'Deficient in Basic Literacy Skills', and 'English Language Learner', including acceptable documentation.
2. WIOA Title I Youth service providers shall identify applicable criteria for the identified barriers as outlined in Attachment I, Attachment II, and Attachment III.
3. In accordance with the provisions of the State Technical Assistance Guide (TAG), and OCWIB's local policy, Youth service providers are responsible for ensuring that adequate documentation is contained in participant case files.
4. Limitation: No more than 5% of in-school young adults served by the service provider in a given program year may be made eligible with *only* the Additional Assistance Eligibility Barrier.
5. Exception: No more than 5% of all young adults served by the provider in a given program year may be allowed low-income eligibility exception.
6. Prior written OCWIB approval is required before any participant covered by the limitation (#4) or exception (#5) provision is enrolled.

ACTION:

Bring this policy to the attention of all appropriate staff.

ATTACHMENTS:

Attachment I (Deficient in Basic Literacy Skills)

Attachment II (English Language Learner)

Attachment III (Additional Assistance Eligibility Barrier)

INQUIRIES:

If you have questions about this policy and procedure, contact the Contract Administrator at (714) 480-6500.



ORANGE COUNTY WORKFORCE INVESTMENT BOARD

ATTACHMENT I
Deficient in Basic Literacy Skills

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
<p>Computes or solves problems, reads, writes or speaks English at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test;</p> <p style="text-align: center;">OR</p> <p>Is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, in the individual's family or in society.</p> <p>Considerations for defining '<i>at a level necessary to function on the job, in the individual's family or in society</i>':</p> <ul style="list-style-type: none"> ▪ Survival skills such as computer skills ▪ Balancing a checkbook ▪ Budgeting a family's income ▪ Filing Tax Return ▪ Locate, understand, interpret written information in prose and in documents such as graphs, manuals and schedules ▪ Ability to receive, attend to, interpret and respond to verbal messages and other cues ▪ Ability to follow directions and written instructions ▪ Ability to relay information 	<p>Scores of a generally accepted standardized test or a comparable score on a criterion referenced test</p> <p>School documentation indicating basic skill deficiency (e.g. report cards, special education documentation, letter from school counselor, etc.)</p> <p>Detailed case notes based on reliable information are acceptable to explain any of the considerations used for defining '<i>at a level necessary to function on the job, in the individual's family or in society</i>'. In addition to the standard requirements for all case notes, those case notes <u>must</u> also detail how that determination was made.</p>



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ATTACHMENT II
English Language Learner

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
<p>“English language learner” is defined as an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and:</p> <ul style="list-style-type: none">• 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.”	<p>Scores of a generally accepted standardized test or a comparable score on a criterion referenced test, school records, or case notes</p>



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ATTACHMENT III
Additional Assistance Eligibility Barrier

ELIGIBILITY CRITERIA (Verify one or more of the following)	ACCEPTABLE DOCUMENTATION (Only one document per eligibility criterion is required)
Is an emancipated youth	Court Records, Statement from Social Services Agency
Has been referred to or is being treated by an agency for a substance abuse related problem	Physician Statement, Medical Records, Court Records, Group Home Letter, Letter from Social Services Agency, Applicant Statement
Has experienced a recent traumatic event, is a victim of abuse, or resides in an abusive environment as documented by a school official or other qualified professional	School Records, Medical Records, Court Records Shelter Statement
Has serious emotional, medical or psychological problems as documented by a qualified professional	Medical, Psychological, Evaluation/Letter, School Counselor, Social Services Records
Has never held a job (does not apply to youth 17 years of age)	EDD Records, Applicant Statement
Has been fired from a job within the 12 months prior to application (does not apply to youth 17 years of age)	Applicant Statement, Employer Records, School Representative Statement, Probation/Parole Officer Statement
Has never held a full-time job for more than 13 consecutive weeks (does not apply to youth 17 years of age)	EDD Records, School Representative Statement, Applicant Statement
Attends Continuation School	School Records, School I.D. Card
Is involved in gang-related activities	School Representative Statement, Probation, Parole Officer Statement, Applicant Statement
Has an incarcerated parent/legal guardian	Letter from a Corrections Facility, Corrections/Parole/Police Officer Statement, Court Records, Criminal Background Check, Applicant Statement
Immigrant/refugee youth with substantial cultural barriers	School Records, Documentation from Agencies that work with Immigrant/Refugee Populations, Employer Statement