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POLICY # 15

Title:	Youth Eligibility Criteria	
Program:	Workforce Innovation and Opportunity Act	
Effective:	July 1, 2023	
Revision #:	6	Original policy date: June 26, 2015

Purpose: To establish policy and outline eligibility criteria for youth participating in Workforce Innovation and Opportunity Act (WIOA) activities.

References: WIOA Section 3 (5) (27) (36) (46) (49); WIOA Section 129(a)(3)(A)(ii); WIOA Section 129(a)(3)(B); 20 CFR 681.200-681.310; TEGL NO. 8-15, West Virginia Unified State Plan; WorkForce WV Guidance Notice 6-16; TEGL 9-22; TEGL 23-19, Change 1

Background: The WIOA identifies specific eligibility criteria for youth to participate in WIOA activities. There are separate criteria for “in school” and “out of school” youth.

Policy: The WDBMOV issues this policy to establish eligibility for youth (age 14-24), including definitions for clarification of eligibility criteria. Both in school and out of school youth must

- Be a citizen or non-citizen authorized to work in the United States AND
- Meet selective service registration requirements
- Be a resident of the state of West Virginia, or if not a state resident, been employed and dislocated from a West Virginia employer.

IN-SCHOOL YOUTH:

An individual who is— Attending school (both secondary or post-secondary as defined by State law); **age 14 to 21** (unless an individual with a disability who is attending school under State law).

All in-school youth must be low income and one or more of the following:

- Basic skills deficient (as defined below).
- An English language learner.
- An offender.
- A homeless individual.
- In Foster Care or aging out.
- Pregnant or parenting.
- A youth who is an individual with a disability.
- An individual who requires additional assistance to complete an educational program or to secure or hold employment (as defined below).

Out-of-school youth:

An individual who is not attending any school (as defined under State law); age 16 to 24; and meets one or more of the following has no income requirements:

- A 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.
- An individual who is subject to the juvenile or adult justice system.
- Homeless individual.
- In Foster Care or aging out.
- An individual who is pregnant or parenting.
- An individual with a disability.

An out-of-school youth (age 16 to 24) who is low income and:

- Has a high school degree or equivalent, **AND IS:**
 - Basic skills deficient (as defined below), or
 - An English language learner;
- **OR** Requires additional assistance (defined below) to enter or complete an educational program or to secure or hold employment.

Low-Income Individual:

(A) In general- The term 'low-income individual' means an individual who—

- (i) 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) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
 - the program of block grants to States for temporary assistance for needy families (TANF) program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or
 - the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or,
 - State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of--
 - (I) the poverty line; **or**
 - (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), **or** a homeless child or youth (as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)));
- (iv) 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.);
- (v) is a foster child on behalf of whom State or local government payments are made;
or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

(B) The low-income eligibility requirement applies to:

- (i) For OSY, only those youth who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner, and youth who require additional assistance to enter or complete an educational program or to secure or hold employment, must be low-income. All other OSY meeting OSY eligibility under § 681.210(c)(1), (2), (4), (5), (6), (7), and (8) are not required to be low-income.
- (ii) All ISY must be low-income to meet the ISY eligibility criteria, except those that fall under the low-income exception.
- (iii) WIOA allows a low-income exception where five 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 the low-income criteria. A program must calculate the five 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.
- (iv) In addition to the criteria in the definition of "low-income individual" in WIOA sec.3(36), a youth is low-income if he or she 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.) or if he or she lives in a high poverty area.

(C) "High poverty area" for the purposes of the special regulation for low-income youth in the Workforce Innovation and Opportunity Act is defined as:

A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

(D) Lower Living Standard Income Level:

The term 'lower living standard income level' means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Basic Skills Deficient:

An individual 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. For WIOA purposes, the State further defines Basic Skills Deficient as an individual who meets one of the following:

- Lacks a high school diploma or high school equivalency and is not enrolled in secondary education.
- Enrolled in a Title II Adult Education/Literacy program.
- Reading and/or Math assessment at an 8.9 or below grade level.
- Determined to be Limited English Skills proficient through staff documented observations.

Additional Assistance:

An individual who requires additional assistance to complete an educational program or to secure and hold employment, and meets the following state set criteria:

1. Must be between the ages of 14 and 24 and
2. Require additional assistance to complete an educational program or secure and hold employment, and
3. Meet one of the following conditions:
 - a. Youth at risk of dropping out of school
 - b. Immigrant Youth
 - c. Youth with limited English proficiency
 - d. Youth deficient in occupational skills
 - e. Youth who resides in areas with high rates of poverty, crime and/or unemployment
 - f. Youth who has serious barriers to employment, including but not necessarily limited to, stated current or past substance abuse, truancy, absence of positive adult role models, and diagnosed emotional disorders.

** Requires Additional Assistance Calculation- 5% of new youth in a given program year are allowed to meet youth eligibility solely by “requires additional assistance criteria”, even if not low income. **

Additional Assistance Documentation:

The WDBMOV follows the state guidance on source documents required to support the eligibility identifying a youth as “needing additional assistance”:

1. Individual Service Strategy (ISS)
2. Case Note
3. WIOA intake registration form
4. State MIS
5. Self-Attestation

Documentation must clearly identify which eligibility criteria documentation supports.

It is the policy of the WDBMOV to follow State Policy in areas not covered by this youth eligibility criteria policy.

Action: WDBMOV will make contractors/service providers/youth staff/school personnel/ partner agencies aware of this policy and provide technical assistance as needed.

Expiration Date: This policy shall remain in effect until revised or canceled by the Workforce Development Board Mid-Ohio Valley.