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| Workforce Innovation and Opportunity Act (WIOA) Title I Guidance Letter | | |
| Subject: <i>Workforce Innovation and Opportunity Act Title IB Youth Eligibility</i> | | |
| Number/Reference: <i>WIOA 129 (a)(1)(B)&(C)</i> | Review Date: <i>3/22/2018</i> | Revision # <i>2</i> |

Overview

This policy establishes the State standards for youth participant eligibility for Workforce Innovation and Opportunity Act (WIOA) Title IB Youth funded programs.

Policy Statement

WIOA Section 129(a)(1) establishes youth participant eligibility for WIOA title IB Youth Services. Local Workforce Development Boards (LWDBs) must adhere to the eligibility set forth in this policy.

In addition, as required in WIOA Section 129(4)(A), a minimum of 75 percent of the WIOA funds allocated to a Local Workforce Development Board for eligible youth must be used to provide youth activities to Out-of-School youth. Eligibility is determined at the time of enrollment.

Out-of-School Youth

- A. Not attending any school including:
 - a. A youth who does not have a GED or secondary diploma and is not enrolled in secondary education; or
 - b. A youth who has a GED or secondary diploma and is not enrolled in post-secondary education; or
 - c. A youth who is attending an alternative education program, dropout re-engagement program or high school equivalency program;* or
 - d. A youth who is attending an adult education program under Title II (ABE/ESL), or a YouthBuild or Job Corps program.
- B. Age 16 to 24 at the time of enrollment; and
- C. One or more of the following:
 - 1. A secondary school dropout as defined in ORS 339.505(1)(b);
 - 2. A youth who is within the age of compulsory school attendance as defined in ORS 339.010, but has not attended school for at least the most recent complete school year calendar quarter;
 - 3. A recipient of a secondary school diploma or its recognized equivalent who is low-income and is either basic skills deficient or an English language learner;
 - 4. An offender;
 - 5. Is a homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act or a runaway;
 - 6. In foster care or has aged out of the foster care system or who has attained age 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - 7. Is pregnant or parenting;



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- 8. Has a disability;
- 9. Is low-income who requires additional assistance to enter or complete an educational program or to secure or hold employment.

ORS 660.310 provides that for the purposes of WIOA, an individual enrolled in alternative education programs, as provided by ORS 336.615 to 336.675, may be considered to be an out-of-school youth. See the exception to this below.

20 CFR 681.230 provides adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be school for the purposes of determining school status.

In-School Youth

- A. Enrolled in a secondary or post-secondary education institution*;
- B. Age 14 to 21 at the time of enrollment;
- C. Is, or is a member of a family that is low-income; and
- D. One or more of the following:
 - 1. Basic skills deficient;
 - 2. An English language learner;
 - 3. An offender;
 - 4. Is a homeless individual;
 - 5. Is pregnant or parenting;
 - 6. Has a disability;
 - 7. Is an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

****Exception: TEGL 21-16 provides that youth attending high school equivalency programs, including those considered to be dropout re-engagement 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.***

Action(s)

Local Workforce Development Boards must have appropriate written policies to ensure that only eligible youth are served in programs funded under title IB of WIOA. Additionally, LWDBs must have documented processes in place as to how they will ensure compliance with the 75% OSY expenditure requirement as well as how they will monitor and track the expenditures.

References

Attachment A