

# Area 14 Workforce Development Board

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Area 14 Workforce Development Board

WIOA Youth Eligibility

Area 14 Policy 16-07

Effective August 4, 2016



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## **I. Purpose**

The purpose of this policy is to set parameters and guide Program Operators in determining eligibility for participants in Workforce Innovation and Opportunity Act (WIOA) funded youth employment and training programs in Area 14.

Although most of the eligibility requirements for WIOA are established by the act itself, as well as the state of Ohio's guidance through WIOAPL 15-03 and 15-07, and 5101:10-3-01 of the Ohio Administrative Code, the Area 14 Workforce Development Board does have discretion relating to several key definitions and components. Program Operators in the Area 14 workforce development system will adhere to all applicable federal and state guidance with regards to WIOA Youth eligibility, as well as the terms set forth in this policy.

## **II. Effective**

Immediately

## **III. Comprehensive Case Management and Employment Program (CCMEP)**

### **Age of Participants**

The Area 14 Workforce Development Board intends to participate in the state of Ohio's Comprehensive Case Management and Employment Program beginning July 1, 2016 by serving 16 to 24 year old are residents with a comprehensive array of services to improve the occupational and educational skills of this population. To align with the programmatic requirements of CCMEP, 14 and 15 year old youth applying for WIOA Youth services will not be enrolled but will still be provided the full array of applicable or appropriate services available through providers and partners of the Ohio Means Jobs system. WIOA Youth who are 14 and 15 years old will be referred to appropriate programs that have the capacity to serve them for assessment, if necessary, and to meet the skills and training needs of this population. Program Operators will provide basic labor exchange services under the Wagner-Peyser Act for this population.

### **County of Residence**

To ensure that eligible youth are able to take full advantage of the Comprehensive Case Management and Employment Program as administered by each county's Lead Agency, all WIOA Youth participants must reside within Area 14 (Athens, Meigs or Perry Counties) to receive WIOA Youth services at a level requiring enrollment. Area 14 WIOA Youth applicants must apply for services in their county of residence. Youth requiring more than self-help services that reside outside of the Area 14 workforce development system will be provided referral information for their local workforce system.

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## IV. Definitions

Age of compulsory school age: a child who is between 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 for absence from the public school the child is required to attend for 7 or more consecutive school days, 10 or more school days in one month, or 15 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:

- a) Has a secondary school diploma or its recognized equivalent and is basic skills deficient or an English language learner; or
- b) 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:

- a) Two spouses and dependent children.
- b) A parent or guardian and dependent children.
- c) 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 required to attend for 5 or more consecutive days, 7 or more school days in one school month, or 12 or more school days in a school year.

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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:

- a) 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;
- b) 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;
- c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- d) 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:

- a) 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.
- b) 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
- c) 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).

Lower living standard income level: As defined in section 3 (36)(b) of WIOA, income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Department of Labor based on the most recent lower living family budget issued by the Secretary.

Low-income individual: As defined in section 3 (36)(a) of WIOA, an individual who –

- a) 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;
- b) Is in a family with total family income that does not exceed the higher of –
- c) The poverty line; or
- d) 70% of the lower living standard income level.
- e) Is a homeless individual;
- f) Receives or is eligible to receive a free or reduced price lunch;
- g) Is a foster child on behalf of whom the State or local government payments are made; or
- h) Is an individual with a disability whose own income meets the eligibility income

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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.

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

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.

## **V. Eligibility Requirements**

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

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

Attending school; and

- a) Not younger than 16 or (unless an individual with a disability who is attending school under state law) older than age 21; and
- b) Is a low-income individual; and
- c) 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 Area 14 Workforce Development Board. The local area defines this as an individual meeting one or more of the following: 1) Limited English, 2) History of drug or alcohol abuse, 3) Limited or

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poor work history, 4) Poor oral or written communication skills, 5) Lack of specific up-to-date job skills, 6) Children of Incarcerated parents, 7) Migrant Youth, and/or 8) Youth who require financial assistance and/or support to enter into, stay enrolled or complete an educational or occupational program. Program Operators must document instances when eligibility is determined using this category, and no more than 5% of enrolled In-School Youth can fall into this locally-defined category. Written self-attestation is an acceptable method for documentation of this category.

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

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

- a) Not attending any school;
- b) Not younger than 16 or older than age 24; and
- c) 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 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;
  - 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 complete an education program or to secure or hold employment as defined by the Area 14 Workforce Development Board. The local area defines this as an individual meeting one or more of the following:
    - 1) Limited English, 2) History of drug or alcohol abuse, 3) Limited or poor work history, 4) Poor oral or written communication skills, 5) Lack of specific up-to-date job skills, 6) Children of Incarcerated parents, 7) Migrant Youth, and/or 8) Youth who require financial assistance and/or support to enter into or complete an educational or occupational program. Program Operators must document instances when eligibility is determined using this category. Written self-attestation is an acceptable method for documentation of this category.

## **Basic Skills Deficient**

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

## **5% Exception of Youth Eligibility:**

Up to 5% of youth participants in Area 14 (both In-School and Out-of-School) may be individuals who would be covered individuals except that the persons are not low-income.

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

Not more than 5% of In-School youth participants in Area 14 may be eligible based upon being an individual who requires “additional assistance”, as defined by this policy, 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. Workforce Innovation and Opportunity Act Policy Letter No. 15-04, 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.

## **VI. Reporting and Monitoring**

Program Operators 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 participants and their activities and performance must be entered into 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. WIOAPL No. 15-07, Source Documentation for WIOA Eligibility, lists the type of acceptable documentation to verify eligibility for the WIOA adult and dislocated worker programs.

The Area 14 Workforce Development Board will conduct oversight of the implementation of the WIOA youth programs to ensure that participants enrolled in the programs are eligible and that eligibility has been properly documented. Program Operators are required to make available to the board and/or contracted monitors all relevant participant files, documents and paperwork.

Through the state’s monitoring system, program monitors will review the area’s determination of eligibility for youth, 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.

## **VII. References**

ODJFS Workforce Innovation and Opportunity Act Policy Letter No. 15-03

Workforce Innovation and Opportunity Act, Pub. L. 113-128

20 CFR 603 et seq.

29 U.S.C. 3101 et seq.

Ohio Rev. Code 2925.01

Ohio Rev. Code 3321.01

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-07, Source Documentation for WIOA Eligibility, (July 1, 2015).

ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 15-04, Selective Service Registration, (July 1, 2015).