

Area 14 Workforce Development Board

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WIOA Youth Eligibility

Area 14 Policy 14.15-03.1

Effective: May 15, 2019



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 15-03.1 and 15-07.1, 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 14 to 24-year-old area residents with a comprehensive array of services to improve the occupational and educational skills 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

Alternative secondary school services: Services provided to youth who have struggled in traditional secondary education to help them re-engage and persist in education to complete a high school diploma or recognized equivalent, including basic education skills training, individualized academic instruction, and English as a Second Language training.

Attending school: An individual who is enrolled in and/or attending secondary or postsecondary school, including alternative secondary school services.

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.

Comprehensive Case Management and Employment Program (CCMEP): An integrated intervention program that combines Temporary Assistance for Needy Families (TANF) and the WIOA youth program to provide employment and training services to individuals ages 14 through 24 years.

Covered individual: An eligible WIOA youth who is:

1. An in-school youth, or
2. An 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.

English language learner: 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, or decree of court, who are living in a single residence and are included in one or more of the following categories:

- a) A married couple and dependent children;
- b) A parent or guardian and dependent children; or
- c) A married couple.

Homeless child or youth (as defined in 42 U.S.C. 11434a(2)): 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; or are abandoned in hospitals;
- 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;

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- 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 (as such term is defined in 20 U.S.C. 6399) who qualify as homeless for the purposes of this part 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 who:

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

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 –
 1. The poverty line; or
 2. 70% of the lower living standard income level or 100% of the federal poverty guidelines.
- c) Is a homeless individual;
- d) Receives or is eligible to receive a free or reduced-price lunch;
- e) Is a foster child on behalf of whom the State or local government payments are made; or
- f) Is an individual with a disability whose own income meets the eligibility income requirement of clause (b) but who is a member of a family whose income does not meet this requirement.

Needs Additional Assistance: The local area defines this as an individual meeting one or more of the following:

- a) Limited English;
- b) History of drug or alcohol abuse;
- c) Limited or poor work history;
- d) Poor oral or written communication skills;
- e) Lack of specific up-to-date job skills;
- f) Children of Incarcerated parents;

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- g) Migrant Youth; and/or
- h) Youth who require financial assistance and/or support to enter into, stay enrolled or complete an educational or occupational program.

Offender: An adult or juvenile who:

- a) Is or has been subject to any stage of the criminal justice process and for whom services under WIOA may be beneficial; or
- b) 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 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.

School dropout: As defined in section 3(54) of WIOA, an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.

School year calendar quarter: The timeframe identified as an academic quarter by the local school district or charter school that a youth last attended, or the calendar quarter if not defined by the district or school.

Secondary School: A school operated by a board of education, a community school established under Chapter 3314 of the Revised Code, or a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.

V. Eligibility Requirements

In-School Youth Eligibility Requirements

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

- a) Attending school, including secondary and postsecondary school; and
- b) Not younger than 14 or older than age 21 (unless an individual with a disability who is attending secondary school under state law); and
- c) Is a low-income individual; and
- d) Has one or more of the following barriers:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual, a homeless child or youth, a runaway;
 - An individual in foster care or has aged out of the foster care system or has attained 16 years of age and left foster care for kinship or guardianship or adoption, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
 - Pregnant or parenting (which may include a mother or father, custodial or non-custodial);
 - An individual with a disability; or
 - Anyone individual who requires additional assistance to complete an education

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program or to secure or hold employment as defined by the Area 14 Workforce Development Board.

Program Operators must document instances when eligibility is determined using the additional assistance 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 offender
 - A homeless individual, homeless child or youth, or a runaway;
 - An individual in foster care or has aged out of the foster care system or has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistances under the John H. Chafee Foster Care Independence Program, or an individual in an out-of-home placement;
 - An individual who is pregnant or parenting (which may include a custodial or non-custodial mother or father);
 - A youth who is an individual with a disability; or
 - Any 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.

Determining School Status

School status must be based on status at the time the eligibility determination portion of program enrollment is made. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA youth program, unless the youth exits from the program, reapplies, and is again determined eligible.

For the purposes of determining ISY status, the school attended may be either a secondary school (including alternative secondary school services) or postsecondary school. If the youth participant is enrolled in credit-bearing postsecondary classes, including credit-bearing community college and credit-bearing continuing education classes, he or she is attending postsecondary education and is an ISY. If the youth is only enrolled in non-credit bearing postsecondary classes, he or she would be considered an OSY.

For the purposes of WIOA school status, the following are not considered to be schools, so youth enrolled only in these programs are OSY:

- Adult education programs under Title II of WIOA (in Ohio, called Aspire);

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- YouthBuild programs; and
- JobCorps programs.

Youth enrolled in high school equivalency programs and dropout re-engagement programs are also generally considered OSY, unless the program is funded by the public K-12 school system and the youth is enrolled in the school system, in which case the youth is an ISY.

If a youth is determined eligible for the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if enrolled to continue school in the fall. A youth who is determined eligible for the WIOA youth program between high school graduation and postsecondary education is considered an ISY once he or she has registered for postsecondary courses (i.e., when courses for the upcoming term have been selected and confirmed) even if classes have not yet begun. However, if a youth who completed secondary education has not yet registered for postsecondary courses at the time of eligibility determination, he or she is an OSY, even if he or she has been accepted into a postsecondary education program.

Regardless of the prior paragraph, a secondary student earning postsecondary credit through the College Credit Plus program defined in Chapter 3365 of the Revised Code who intends to continue attending the same postsecondary school after graduating secondary school remains an ISY during the period between completion of secondary school and enrollment in the postsecondary school.

For the purposes of this policy, if a child is being homeschooled in accordance with the requirements of ODE, the child is in school.

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.

Youth Living in a High Poverty Area

For WIOA eligibility purposes, living in a high-poverty area is an additional criterion establishing that the youth is a low-income individual. Per 20 C.F.R. 681.260, a high-poverty area is defined as a Census tract or a set of contiguous Census tracts with a poverty rate of at least 25 percent based on the American Community Survey data.

Instructions on determining if a county or Census tract is a high-poverty area using the Census Bureau's American Fact Finder homepage are available in Attachment 2 of the Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) No. 21-16.

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.

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.

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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.

Co-enrollment with other programs:

Youth 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 Aspire program services under WIOA Title II.

VI. Reporting and Monitoring

Program Operators are required to maintain and report accurate program in OWCMS and financial information in CFIS. 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 within 30 days. 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 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.

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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).