

Workforce Services Policy – Youth Eligibility

Executive Summary

1. What is the general purpose of this policy?

The policy provides guidance to Local Workforce Development Boards (LWDBs) on WIOA Title I youth program eligibility requirements. Youth must meet eligibility requirements to participate in the WIOA Title I youth program. Local Workforce Development Boards (LWDBs), in consultation with the Chief Local Elected Officials (CLEOs), must establish local WIOA Title I eligibility policies and procedures consistent with the guidance provided in this policy.

2. What are the notable guidelines conveyed within this policy?

This policy defines:

- Out-of-school youth (OSY)
- In-school-youth (ISY)
- Determinations of ‘basic skills deficiency’
- Individualized Education Account (IEA)
- Participant low-income status

3. Have there been any changes since the last policy? If so, describe the modification(s).

This policy has been updated to change the basic skills deficient section and then the requirement for local areas to define Requires Additional Assistance.

4. What must the Local Workforce Development Board do to meet the requirements of this policy?

To meet the requirements of this policy, the Local Workforce Development Board must:

- Establish, in consultation with the CLEOs, local WIOA Title I eligibility policies and procedures consistent with the guidance provided in this policy.
- Ensure that any formalized testing instruments used are valid, reliable, appropriate, fair, cost effective, well-matched to the test administrator’s qualifications, and easy to administer and interpret results. Assessment instruments must also be appropriate for the target population, and provide reasonable accommodation for individuals with disabilities.
- Ensure participant basic skills deficiencies are recorded in the State management information system.
- Verify and confirm that youth are eligible to participate in WIOA youth services

*This policy was updated by resolution of the SWDB to correct an error on 8/25/23.

- LWDBs must retain records for a period of at least five (5) years
- Ensure that in a given program year, no more than five (5) percent of ISY enrolled in the program year are eligible only based on the “additional assistance” criterion.
- Define in local plan and local policies the criterion of “requires additional assistance to complete an educational program, or to secure and hold employment” for OSY and ISY, to include a list of documentation required from participant to support established criteria.
- Retain records for a period of at least five (5) years after the submittal of the final closeout expenditure report for that funding period.

5. How does this policy affect the workforce system?

This policy defines how WIOA Title I funding is spent on eligible youth participants, to include restrictions on the following:

- A low-income exception where five (5) 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.
- No more than five (5) percent of ISY enrolled in the program year are eligible only based on the “additional assistance” criterion within a program year.



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Workforce Services Policy – Youth Eligibility

Effective Date: August 28, 2020

Duration: Automatic Annual Renewal

Subject:

The Youth Eligibility Policy provides guidance to Local Workforce Development Boards (LWDBs) on WIOA Title I youth program eligibility requirements. Youth must meet eligibility requirements to participate in the WIOA Title I youth program. LWDBs, in consultation with the Chief Local Elected Officials (CLEOs), must establish local WIOA Title I eligibility policies and procedures consistent with the guidance provided in this policy. This policy is subject to revision as additional guidance is issued from the U.S. Department of Labor.

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TDOE); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); **Title I** – Adult, Dislocated Worker, and Youth Programs, **Title II** – Adult Education and Family Literacy Act Program (AE); **Title III** – Wagner-Peyser Act Program (WP); **Title IV** – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (Operator); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners).

I. Definitions:

A. School – Any secondary or post-secondary school as defined by the applicable State law¹ or secondary and post-secondary institutions. For purposes of WIOA, the Department does not consider providers of adult education under WIOA Title II, YouthBuild programs, the Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools. Youth attending high school equivalency programs funded by the public K-12 school system who

¹ TCA 49-6-301, 49-6-401, and 49-7-2003

are classified by the school system as still enrolled in school are an exception; they are considered in-school youth².

- B. Attending School** – An individual is considered to be attending school if the individual is enrolled in a secondary school or registered for credit-bearing courses at a post-secondary institution. Such schools and/or institutions include, but are not limited to: Tennessee Colleges of Applied Technology, community colleges, four (4) year college/university, traditional K-12 public and private, and alternative schools (e.g. continuation, magnet, charter, and home schools³).

At time of enrollment:

- If the youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered in-school youth if they are enrolled to continue school in the fall.
- If a youth is enrolled in the youth program between high school graduation and post-secondary education, the youth is considered an in-school youth if they are registered for post-secondary credit-bearing courses, even if they have not yet begun post-secondary classes at the time of enrollment.
- If the youth does not follow through with attending post-secondary education, then such a youth would be considered an out-of-school youth if the eligibility determination is made after the point that the youth decided not to attend secondary education.
- Post-secondary courses must be credit-bearing classes. An individual attending non-credit-bearing, post-secondary classes (e.g. remedial courses) are to be considered out-of-school youth.

- C. Not Attending School** – An individual who is not attending a secondary or post-secondary institution.

- D. Alternative School** – A non-traditional academic program or school designed to meet the student’s educational, behavioral, and social needs for students in grades seven (7) through twelve (12).

II. WIOA Title I Youth Participant Eligibility:

WIOA establishes separate criteria for out-of-school youth (OSY) and in-school youth (ISY).

A. OSY Defined As⁴:

- Not attending any school at the time of enrollment;
- Not younger than 16 or older than 24 at the time of enrollment (participants may continue to receive services beyond the age of 24 once they are enrolled in the program); and
- Meets one or more of the following conditions:
 - 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. School year calendar is based on how a local school district defines its school year quarters;
 - Recipient of a secondary school diploma, or its recognized equivalent, who is low-income and
 - Basic skills deficient; or
 - An English language learner;
 - An offender who has been subject to any stage of the criminal justice process;

² 20 CFR 681.230

³ TCA 49-6-3050

⁴ WIOA Section 129(a)(1)(B)

- A homeless individual, aged 16 to 24, who meets the criteria defined in Violence Against Women Act⁵, a homeless child or youth aged 16 to 24 who meets the criteria defined in of the McKinney Vento Homeless Assistance Act⁶ or who is a runaway;
- An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care of kinship guardianship or adoption, a child eligible for assistance under Social Security Act⁷, or in an out-of-home placement;
- Pregnant or parenting;
- An individual with a disability;
- Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment⁸.

B. ISY Defined As:⁹

- Attending school at the time of enrollment;
- Not under the age of 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment (participants may continue to receive services beyond the age of 21 once they are enrolled in the program 20 CFR 681.220);
- Low-income; and
- Meets one or more of the following conditions:
 - Basic skills deficient;
 - An English language learner;
 - An offender who has been subject to any stage of the criminal justice process;
 - A homeless individual, aged 14 to 21, who meets the criteria defined in the Violence Against Women Act a homeless child or youth aged 14 to 21 who meets the criteria defined in the McKinney Vento Homeless Assistance Act, or a runaway;
 - An individual in foster care, or who has aged out of the foster care system, or who has attained 16 years of age and left foster care of kinship, guardianship, or adoption, a child eligible for assistance under Social Security Act, or in an out-of-home placement;
 - Pregnant or parenting;
 - An individual with a disability;
 - Requires additional assistance to complete an educational program or to secure or hold employment.

Youth with disabilities who have an Individualized Education Account may be enrolled as ISY after the age of 21 but no older than 22.

III. Determining Basic Skills Deficiency:

- A.** An individual that has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or 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, is considered basic skills deficient.
- B.** Testing for basic skills deficiency is recommended to be done through local providers of Adult Education services when applicable.

⁵ Violence Against Women Act of 1994 Section 41403(6)

⁶ McKinney Vento Homeless Assistance Act Section 725(2)

⁷ Social Security Act 42 USC 677

⁸ WIOA Section 129(a)(1)(B)(iii)(VIII)

⁹ WIOA Section 129(a)(1)(C)

- C. When testing through local providers of Adult Education services is not applicable, local service providers are permitted to administer testing. LWDBs must ensure that any formalized testing instruments used are valid, reliable, appropriate, fair, cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. Assessment instruments must also be appropriate for the target population, and provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. See attachment A for acceptable documents.
- D. If the individual is found to be basic skills deficient, this must be recorded in Jobs4TN.

IV. Term of the Individualized Education Account¹⁰:

For purposes of continuity of educational attainment, a student who enrolls in the program shall remain eligible until the participating student meets one of the following, whichever occurs first:

- A. The student enrolls full-time in a public school in the local education agency in which the parent or student who has attained the age of majority resides.
- B. The student graduates from high school. The student may continue in the program until such time as he or she and receives a high school diploma, or received a passing score on all subtests of the HiSET.
- C. The student reaches 22 years of age. The student may complete the school year in which he or she reaches the age of 22, provided a student shall not be enrolled in the program past August 15 of the next school year after they have reached 22 years of age.

V. Documentation for Participant Eligibility:

Documentation is necessary to support WIOA Title I youth eligibility. LWDBs must verify and confirm that youth are eligible to participate in WIOA youth services through an examination of documents (please see Attachment A). Documentation should be stored electronically by uploading the documents into the participant's file in Jobs4TN, and documentation must be available to program staff, fiscal monitors, and auditors for monitoring purposes. A case note may be added with the documentation indicating the eligibility requirement that the document is supporting. LWDBs must retain records for a period of at least five (5) years after the submittal of the final closeout expenditure report for that funding period.

VI. Low-Income Status:

A low-income individual is someone who:

- A. Receives or in the past six (6) months has received—or is a member of a family that is receiving or in the past six (6) months has received—assistance through the Supplemental Nutrition Assistance Program (SNAP), the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance.
- B. Is in a family with total income that does not exceed the higher of:
 - The poverty line, or
 - Seventy percent (70%) of the lower living standard income level.
 - For additional guidance, see Low-Income Guidelines Policy.
- C. A homeless individual;
- D. Receives or is eligible to receive free or reduced-price lunch¹¹;
- E. A foster child on behalf of whom state or local government payments are made;

¹⁰ TCA 0520-01-11-04

¹¹ WIOA Section 3(36)(A)(iv)

- F. An individual with a disability whose own income meets the low-income level for eligibility purposes;
or
- G. Youth who reside in a high-poverty area.

VII. Five-Percent Low-Income Eligibility Exception:

As described in WIOA¹², WIOA allows a low-income exception where five (5) 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 (5) percent based on the percent of newly-enrolled youth in the Local Workforce Development Area's WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria. It is not based on all youth since many of the OSY categories do not require low-income status. Because not all OSY are required to be low-income, the five (5) percent low-income exception under WIOA is calculated based on the five (5) percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria.

VIII. Five-Percent Additional Assistance Barrier Limitation for ISY:

WIOA states that in each LWDA, not more than five (5) percent of the ISY assisted may be eligible¹³ which refers to the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. States and local areas must ensure that in a given program year, no more than five (5) percent of ISY enrolled in the program year are eligible only based on the "additional assistance" criterion. The five (5) percent limitation criterion for additional assistance applies to ISY only.

IX. Determining Additional Assistance for ISY and OSY Criteria:

Each LWDB must define in local plan and local policies the criterion of "requires additional assistance to complete an educational program, or to secure and hold employment" for OSY and ISY. LWDBs must include evidence supporting the established criteria ensure regional alignment to the best of their abilities. Supporting evidence may include most current labor market information, statistical evidence and other data deemed supportive. LWDBs must also outline documentation required from participant to support established criteria and additional case management parameters deemed necessary. State Workforce Development Board will review this element in local plan submissions and provided guidance accordingly.

X. US Citizenship or Authorization to Work in the United States:

Eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylum, and parolee, and other immigrant authorized by the Attorney General to work in the United States¹⁴.

XI. Selective Service Registration Requirements:

Before enrollment in WIOA Title I funded services, all males who are not registered with the Selective Services and have not reached their 26th birthday must register through the Selective Service website at www.sss.gov.

¹² 20 CFR 681.250(c)

¹³ WIOA Section 129(a)(3)(B)(1)

¹⁴ WIOA Section 188(a)(5)

If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 in order to continue to receive WIOA Title I funded services. If a man under the age of 26 refuses to register with Selective Service, WIOA Title I funded programs must be suspended until he registers. For transgender customers, compliance with selective service is predicated on the individual's gender as assigned at birth/as recorded on a birth certificate.

References:

20 CFR 681.230; Education Code EDC Section 58500; TCA 9-6-30; TCA 49-6-3050; McKinney Vento Homeless Assistance Act Section 725(2); Social Security Act (42 USC 677); TEGL 18-15; WIOA Section 3(36)(A)(iv); WIOA Section 107(d); WIOA Section 129(a)(1)(B), 129(a)(3); WIOA Section 188(a)(5); Violence Against Women Act of 1994 Section 41403(6)

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.

Attachment A: Youth Eligibility and Criteria Documentation

A handwritten signature in black ink, appearing to read 'Tim Berry', is written over a horizontal line. The signature is stylized and extends below the line.

Tim Berry, State Workforce Development Board Chair

Youth Eligibility Criteria and Documentation – Attachment A

Note: One document per group is required.

Youth Eligibility Criteria	Documentation in File
Eligibility Basics	These items are required for basic participation verification for all participants.
Age/Birth Date	<ul style="list-style-type: none"> • Birth certificate • Baptismal record if date of birth is shown • DD-214 transfer or discharge paper • Hospital record of birth • Driver's license state, federal, or local government ID • Passport • Work permit • Cross match with public assistance records via state MIS system • Other public assistance records • School record or ID cards • Tribal records
Citizenship Status/ Authorization to Work in the US	<ul style="list-style-type: none"> • Citizenship Status/Authorization to Work Self-Attestation • U.S. passport, certificate of U.S. citizenship, certificate of naturalization, permanent resident card, unexpired refugee travel document • U.S. Social Security card issued by the Social Security Administration (other than a card stating not valid for employment), Certificate of Birth Abroad issued by the Department of State, birth certificate issued by a state, county, municipal authority or outlying possession of the U.S., U.S. citizen ID card, ID card for use of Resident Citizens in the U.S. • Cross match with public assistance records via state MIS system • Other public assistance records
Selective Service Registration	<ul style="list-style-type: none"> • Selective service card • Verification from the Selective Service web site: https://www4.sss.gov/regver/verification1.asp • Documentation that failure was not willful and knowing if an applicant failed to register or too old to register and approval to serve individual • DD-214 "Report of Separation" • Stamped Post Office Receipt of Registration

<p>School Status at Participation</p>	<ul style="list-style-type: none"> • Self-Attestation • Applicable records from educational institution • WIOA intake forms • State MIS
<p>Receipt of High School Diploma</p>	<ul style="list-style-type: none"> • Self-Attestation • School records • Diploma • Letter or other documentation from school system
<p>Low-Income Individual</p>	<p>Low-income is required for all in-school youth and for out-of-school youth who has a secondary school diploma and is basic skills deficient (or an English language learner), or requires additional assistance to enter or complete an education program or to secure or hold employment.</p>
<p>TANF Receives, or is a member of a family that receives, cash payments under the Temporary Assistance for Needy Families, which is a Federal income-based public assistance program</p>	<ul style="list-style-type: none"> • Cross match with public assistance records via state MIS system
<p>Other Cash Public Assistance Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program (includes refugee assistance and other cash public assistance)</p>	<ul style="list-style-type: none"> • Copy of authorization to receive cash public assistance • Verification by the public assistance agency • Cross match with public assistance records via state MIS system • Other public assistance records • Refugee assistance records • Verification from the refugee assistance provider

<p>Family Income Determined when an individual received income, or is a member of a family that received income, for six-month period prior to application for the program that in relation to family size does not exceed the higher of poverty line or 70 percent of lower living standard income</p>	<ul style="list-style-type: none"> • Self-Attestation, only in cases when an individual has no income or receives very little undocumented income; the statement should include some description of how the applicant has been supported in the past six months • Pay stubs • Employer statement of earnings • Compensation award letters • Social Security retirement benefits letter • Pension statement • Bank statements • Court award letter • Family or business financial records • Quarterly estimated tax for self-employed persons • Alimony agreements • Award letter veteran’s administration • Unemployment Insurance documents • Low-income Housing Authority verification
<p>Supplemental Nutrition Assistance Program (SNAP) Is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977</p>	<ul style="list-style-type: none"> • Verification by the public assistance agency • Cross match with public assistance records via state MIS system • Other public assistance records • Copy of authorization to receive SNAP benefits
<p>Free or Reduced Price Lunch</p>	<ul style="list-style-type: none"> • Self-Attestation • Approval Letter • Completed Application
<p>Youth living in a high-poverty area</p>	<ul style="list-style-type: none"> • https://www.doleta.gov/lisil/ • Current TDLWD workforce policy regarding LLSIL http://www.tn.gov/workforce/article/wioa-technical-assistance

Youth Eligibility Criteria	Documentation in File
Additional Youth Barriers	Youth must document one of the following seven barriers in addition to meeting one of the low-income criteria.
Basic skills deficient <i>(In- School and Out-of-School)</i>	<ul style="list-style-type: none"> • Standardized assessment test such as <ul style="list-style-type: none"> • TABE or CASAS (most recent version) • Other assessment that meet criteria stated in policy (recorded within past six months of eligibility date) • School Records (recorded within past six months of eligibility date) • Case Notes
English language learner <i>(In- school and Out-of-School)</i>	<ul style="list-style-type: none"> • Self-Attestation • School records • Case notes
School dropout <i>(Out-of- School)</i>	<ul style="list-style-type: none"> • Self-Attestation • Applicable records from educational institution • State MIS • WIOA Intake form • School board verification of dropout status • Dropout Letter
Not attending school <i>(Out-of- School)</i>	<ul style="list-style-type: none"> • Self-Attestation • School records • Court documents
Homeless or Runaway <i>(In- School and Out-of-School)</i>	<ul style="list-style-type: none"> • Self-Attestation • Verification from a shelter or social services agency • Written statement from individual providing residence
Foster Child or Emancipated Foster Child <i>(In-School and Out-of-school)</i>	<ul style="list-style-type: none"> • Case notes • Court documentation • Verification from a social services agency

<p>Pregnant or parenting youth <i>(In-school and Out-of-school)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Physician's statement • Birth certificate if parenting • Baptismal record • Case notes • Verification with social service agency
<p>Offender <i>(In-school)</i> or Subject to juvenile or adult justice system <i>(Out-of-School)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • WIOA intake • Court records • Halfway house resident • Letter of parole • Letter from probation officer • Police records
<p>Individual with a disability <i>(In-school and Out-of-School)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Letter from drug or alcohol rehabilitation agency • Medical records • Physician's statement/ Psychologist diagnosis • Social Security disability records • Individual Education Plan (IEP) • Veteran Administration Letter/Records • Social Services records • Vocational Rehabilitation Letter and/or Referral • Worker's Compensation Records
<p>Require additional assistance to complete educational program or to secure and hold employment <i>(In-School and Out-of-School)</i></p>	<ul style="list-style-type: none"> • Self-Attestation • Local area plan • Local area policy • Individual service strategy • Case notes • WIOA intake form • State MIS