

## **Executive Summary**

### **Workforce Services Policy – Youth Eligibility**

#### **1. What is the purpose of this policy?**

The Youth Eligibility policy outlines eligibility requirements for the youth program, identifies the criteria for basic skills deficient, the 5% provisions, and identifies the criteria for determining if additional assistance is needed for a participant to complete an educational program or to secure or hold employment. This policy guides local workforce boards in constructing local youth eligibility policies.

#### **2. What is the purpose of the update to this policy?**

WIOA requires defining basic skills deficiency and that has been included in this update. Also, WIOA states that if the State provides a definition, it is not to be altered. Therefore, an amendment was needed to correct previous instructions for local areas to expand the State definition of “Requires Additional Assistance.”



STATE OF TENNESSEE  
**DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**  
DIVISION OF WORKFORCE SERVICES  
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**Workforce Services Policy – Youth Eligibility**

**Effective Date:** November 8, 2019

**Duration:** November 8, 2021

**Subject:**

The Youth Eligibility Policy provides guidance to local workforce areas 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. 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 (TNED); 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 law<sup>1</sup> or secondary and postsecondary institutions. For purposes of WIOA, the Department does not consider providers of adult education under Title II of WIOA, 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

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<sup>1</sup> 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 youth<sup>2</sup>.

- 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 schools<sup>3</sup>).

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 postsecondary 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 As<sup>4</sup>:

- 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;

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<sup>2</sup> 20 CFR 681.230

<sup>3</sup> TCA 49-6-3050

<sup>4</sup> WIOA Section 129(a)(1)(B)

- An offender who has been subject to any stage of the criminal justice process;
- A homeless individual, aged 16 to 24, who meets the criteria defined in Violence Against Women Act<sup>5</sup>, a homeless child or youth aged 16 to 24 who meets the criteria defined in of the McKinney Vento Homeless Assistance Act<sup>6</sup> 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 Act<sup>7</sup>, 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 employment<sup>8</sup>.

**B. ISY Defined As:<sup>9</sup>**

- 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 24 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 8<sup>th</sup> 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.

<sup>5</sup> Violence Against Women Act of 1994 Section 41403(6)

<sup>6</sup> McKinney Vento Homeless Assistance Act Section 725(2)

<sup>7</sup> Social Security Act 42 USC 677

<sup>8</sup> WIOA Section 129(a)(1)(B)(iii)(VIII)

<sup>9</sup> WIOA Section 129(a)(1)(C)

- B. Testing for basic skills deficiency is recommended to be done through Tennessee Department of Adult Education when applicable.
- C. When testing through TN Department of Adult Education is not applicable, local providers are permitted to administer testing. Local boards must ensure assessment instruments are valid and 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 the State management information system.

**IV. Term of the Individualized Education Account<sup>10</sup>:**

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 conduct program oversight and monitoring of career service providers, and local youth workforce investment activities as outlined in WIOA Section 107(d)(8). 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
  - 70 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 lunch<sup>11</sup>;

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<sup>10</sup> TCA 0520-01-11-04

<sup>11</sup> WIOA Section 3(36)(A)(iv)

- E. A foster child on behalf of whom state or local government payments are made;
- 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 WIOA<sup>12</sup>, 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 not ordinarily be required to meet the low-income criteria.

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

WIOA states that in each local area, not more than five (5) percent of the ISY assisted may be eligible<sup>13</sup> 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:**

Youth participants are defined as requiring additional assistance to enter or complete an educational program or to secure and hold employment. The following criteria are used to determine requiring additional assistance:

**A. ISY Requiring Additional Assistance:**

- Has poor attendance patterns in an educational program during the last 12 months;
- Has been expelled from school within the last 12 calendar months;
- Has been suspended from school at least within the last 12 calendar months;
- Has below average grades;
- Has been previously placed in out-of-home care (foster care, group home or kinship care) for more than 6 months and is between the ages of 14 to 21; or
- Has currently incarcerated parent(s) or guardian

**B. OSY Requiring Additional Assistance:**

- Has dropped out of a post-secondary educational program during the past 12 calendar months;
- Has a poor work history, to include no work history, or has been fired from a job in the last 6 calendar months;
- Has been suspended from school at least within the last 12 calendar months;
- Has below average grades;
- Has been previously placed in out-of-home care (foster care, a group home, or kinship care) for more than 6 months and is between the ages of 16 to 24; or

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<sup>12</sup> 20 CFR 681.250(c)

<sup>13</sup> WIOA Section 129(a)(3)(B)(1)

- Currently has incarcerated parent(s) or guardian.

**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 States<sup>14</sup>.

**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](http://www.sss.gov).

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](mailto:Workforce.Board@tn.gov).

**Attachment:**

Attachment 1: Youth Eligibility and Criteria Documentation

**Effective Date:** November 8, 2019

**Duration:** November 8, 2021



Kenyatta Lovett, Assistant Commissioner - Workforce Services Division

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<sup>14</sup> WIOA Section 188(a)(5)

## Attachment 1: Youth Eligibility Criteria and Documentation

Note: One document per group is required.

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

<b>School Status at Participation</b>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• Applicable records from educational institution</li> <li>• WIOA intake forms</li> <li>• State MIS</li> </ul>
<b>Receipt of High School Diploma</b>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• School records</li> <li>• Diploma</li> <li>• Letter or other documentation from school system</li> </ul>
<b>Low-Income Individual</b>	<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><b>TANF</b>  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"> <li>• Cross match with public assistance records via state MIS system</li> </ul>
<p><b>Other Cash Public Assistance</b>  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"> <li>• Copy of authorization to receive cash public assistance</li> <li>• Verification by the public assistance agency</li> <li>• Cross match with public assistance records via state MIS system</li> <li>• Other public assistance records</li> <li>• Refugee assistance records</li> <li>• Verification from the refugee assistance provider</li> </ul>

<p><b>Family Income</b> 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"> <li>• 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</li> <li>• Pay stubs</li> <li>• Employer statement of earnings</li> <li>• Compensation award letters</li> <li>• Social Security retirement benefits letter</li> <li>• Pension statement</li> <li>• Bank statements</li> <li>• Court award letter</li> <li>• Family or business financial records</li> <li>• Quarterly estimated tax for self-employed persons</li> <li>• Alimony agreements</li> <li>• Award letter veteran's administration</li> <li>• Unemployment Insurance documents</li> <li>• Low-income Housing Authority verification</li> </ul>
<p><b>Supplemental Nutrition Assistance Program (SNAP)</b> 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"> <li>• Verification by the public assistance agency</li> <li>• Cross match with public assistance records via state MIS system</li> <li>• Other public assistance records</li> <li>• Copy of authorization to receive SNAP benefits</li> </ul>
<p><b>Free or Reduced Price Lunch</b></p>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• Approval Letter</li> <li>• Completed Application</li> </ul>
<p><b>Youth living in a high-poverty area</b></p>	<ul style="list-style-type: none"> <li>• <a href="https://www.doleta.gov/llsil/">https://www.doleta.gov/llsil/</a></li> <li>• Current TDLWD workforce policy regarding LLSIL <a href="http://www.tn.gov/workforce/article/wioa-technical-assistance">http://www.tn.gov/workforce/article/wioa-technical-assistance</a></li> </ul>

Youth Eligibility Criteria	Documentation in File		
<b>Additional Youth Barriers</b>	Youth must document one of the following seven barriers in addition to meeting one of the low-income criteria.		
<b>Basic skills deficient</b> <i>(In- School and Out-of-School)</i>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>In-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <u>Out-of-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> </ul> </td> </tr> </table>	<u>In-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>	<u>Out-of-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> </ul>
<u>In-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> <li>• School records</li> <li>• Case notes</li> </ul>	<u>Out-of-School</u> <ul style="list-style-type: none"> <li>• Standardized assessment test</li> </ul>		
<b>English language learner</b> <i>(In- school and Out-of-School)</i>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• School records</li> <li>• Case notes</li> </ul>		
<b>School dropout</b> <i>(Out-of- School)</i>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• Applicable records from educational institution</li> <li>• State MIS</li> <li>• WIOA Intake form</li> <li>• School board verification of dropout status</li> <li>• Dropout Letter</li> </ul>		
<b>Not attending school</b> <i>(Out-of- School)</i>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• School records</li> <li>• Court documents</li> </ul>		
<b>Homeless or Runaway</b> <i>(In- School and Out-of-School)</i>	<ul style="list-style-type: none"> <li>• Self-Attestation</li> <li>• Verification from a shelter or social services agency</li> <li>• Written statement from individual providing residence</li> </ul>		
<b>Foster Child or Emancipated Foster Child</b> <i>(In-School and Out-of-school)</i>	<ul style="list-style-type: none"> <li>• Case notes</li> <li>• Court documentation</li> <li>• Verification from a social services agency</li> </ul>		

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