

WIOA TITLE I YOUTH PROGRAM ELIGIBILITY GUIDE (WIOA §681.200 - §681.320)

Out-of-School Youth (OSY) Must meet criteria A through D at the time of program enrollment	In-School Youth (ISY) Must meet criteria A through D at the time of program enrollment
Criteria A: Age	
16 to 24 years old	14 to 21 years
Criteria B: An individual who is facing <u>one or more</u> of the following designated barriers to employment	
<ol style="list-style-type: none"> 1) High school dropout; 2) Within the age of compulsory school attendance, but has not attended school for at least the most recent 45-day school calendar year quarter; 3) Pregnant or parenting, including non-custodial parents; 4) With a disability; 5) Offender – youth involved in any stage of juvenile or adult justice system; 6) Homeless or a runaway, who meet the criteria defined by the McKinney-Vento Homeless Assistance or Violence Against Women Act; See i; 7) Involved in any stage of the foster care system: <ol style="list-style-type: none"> a. In foster care; b. Aged out of the foster care system; c. Attained 16 years of age and left foster care for kinship, guardianship or adoption; d. In an out-of-home placement; or e. A child eligible for assistance under sec. 477 of the Social Security Act. (John H. Chafee Foster Care Independence Program) 8) Low-income and is a recipient of a high school diploma or its equivalent, and is basic skills deficient (at or below 8th grade or unable to compute/read/write as defined in the local policy); See ii and iii; 9) Low-income and is a recipient of a high school diploma or its equivalent, and is an English language learner; See ii; or 10) Low-income and a youth who needs additional assistance to <u>enter</u> or complete an educational program or to secure or hold employment, as determined by the LWDB. See ii and iv. 	<ol style="list-style-type: none"> 1) N/A 2) N/A 3) Pregnant or parenting, including non-custodial parents; 4) With a disability; 5) Offender – youth involved in any stage of juvenile or adult justice system; 6) Homeless or a runaway, who meet the criteria defined by the McKinney-Vento Homeless Assistance or Violence Against Women Act; See i; 7) Involved in any stage of the foster care system: <ol style="list-style-type: none"> a. In foster care; b. Aged out of the foster care system; c. Attained 16 years of age and left foster care for kinship, guardianship or adoption; d. In an out-of-home placement; or e. A child eligible for assistance under sec. 477 of the Social Security Act. (Chafee Program) 8) Basic skills deficient (at or below 8th grade or unable to compute/read/write as defined in the local policy); See iii; 9) English language learner; or 10) Youth who needs additional assistance to <u>complete</u> an educational program or to secure and hold employment as determined by the Local Workforce Development Board. See 5% ISY Limitation iv.

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<p>Criteria C: Low-Income Requirements</p> <p>5% Low-Income Limitation: Up to 5% of youth participants who ordinarily must be low-income for eligibility do not need to be low-income. See ii and v.</p>	
<p>Low-income status is only required when determining eligibility using barriers 8, 9, or 10, which are that the newly enrolled OSY in the Program Year (PY):</p> <ul style="list-style-type: none"> 8) Is a recipient of a high school diploma or its equivalent, and is basic skills deficient; 9) Is a recipient of a high school diploma or its equivalent, and is an English language learner; or 10) Needs additional assistance to enter or complete an educational program or to secure or hold employment, as determined by the LWDB. 	<p>All newly enrolled ISY in a PY must be low income.</p> <p>For ISY with a disability, the youth's own income rather than his/her family's income can be used for eligibility purposes.</p>
<p>Criteria D: Attending versus not attending school as defined by State law</p>	
<p>Not attending any school as defined by State law, unless the school is specifically excluded by WIOA:</p> <ul style="list-style-type: none"> 1) Youth attending the following institutions or programs excluded by WIOA are considered not attending school for Youth Program eligibility determination: <ul style="list-style-type: none"> a. An adult education program under WIOA Title II; List of WIA Title II RFP 2013-2018 Awards for Workforce Investment Act: http://www.acces.nysed.gov/aepp/workforce-investment-act-wia-title-ii-funding b. YouthBuild; c. Job Corps; or d. A high school equivalency and dropout re-engagement program not funded by the public K-12 school system. 2) Per State law, if a youth has not attended a school for at least the most recent complete school year calendar quarter (45 days) and is within the age of compulsory school attendance, the youth is considered as not attending school for the purposes of Youth Program eligibility determination. 	<p>Attending a school as defined by State law:</p> <ul style="list-style-type: none"> 1) Youth attending the following institutions or programs are considered attending school for Youth Program eligibility determination: <ul style="list-style-type: none"> a. A school registered with the NYS Education Department (NYSED), including but not limited to, public, private, charter and religious schools; or a home-school program where the participating youth is registered with the local school district. b. A high school equivalency and dropout re-engagement program funded by the public K-12 school system. The four pathways to high school equivalency accepted in NYS are found at http://www.acces.nysed.gov/hse/high-school-equivalency-hse. <p>Use the NYSED Application Business Portal found at https://portal.nysed.gov/pls/sedrefpublic/SED.sed_inst_qry_vw\$.startup to verify if the school/program is registered with NYSED.</p>

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<p>3) Youth ages six to sixteen are required to attend school in NYS (or, if home-schooled, the youth must be registered with the local school district). Some school districts mandate the compulsory age of school attendance through age 17.</p> <p>4) Youth enrolled in the WIOA youth program during the summer and not registered to continue school in the fall, are considered as not attending school.</p> <p>5) Youth participant who is a NYS resident and enrolled in a secondary education program that is not registered with NYSED is considered as not attending school. Note that NYS residents must attend/participate in programs registered with NYSED to achieve a valid high school diploma or equivalency.</p>	<p>Note that NYS residents must attend/participate in programs registered with NYSED to achieve a valid high school diploma or equivalency.</p> <p>2) Credit-bearing courses at a post-secondary school, including colleges, junior colleges, community colleges, two-year colleges, universities, professional and technical schools, and degree-granting institutions.</p> <p>3) Youth enrolled in the WIOA youth program during the summer and in between school years, are considered as attending school if they are registered to continue school in the fall.</p>
<p>For details see Training and Employment Guidance Letter (TEGL) 21-16: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_21-16.pdf.</p>	

i. HOMELESS INDIVIDUAL OR HOMELESS CHILDREN AND YOUTHS (WIOA SEC. 3(24)(G); TEGL 19-16 ATTACHMENT III)

Homeless youth is an individual who meets any of the following criteria:

- (A) Lacks a fixed regular, and adequate nighttime residence; this includes a participant who:
 - a. Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - b. Is living in a motel, hotel, trailer park, or campground due to a lack of alternative adequate accommodations;
 - c. Is living in an emergency or transitional shelter;
 - d. Is abandoned in a hospital; or
 - e. Is awaiting foster care placement;
- (B) 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, such as a car, park, abandoned building, bus or train station, airport, or camping ground;
- (C) Is a migratory child who in the preceding 36 months was required to move from one school district to another due to changes in the parent’s or parent’s spouse’s seasonal employment in agriculture, dairy, or fishing work; or
- (D) Is under 18 years of age and absents himself or herself from home or place of legal residence without the permission of his or her family (i.e. runaway youth)

(Note- A participant imprisoned or detained under an Act of Congress or State law does not meet the definition. Additionally, a participant who may be sleeping in a temporary accommodation while away from home should not, as a result of that alone, be recorded as homeless.)

ii. LOW-INCOME CRITERIA FOR WIOA TITLE I YOUTH PROGRAMS (WIOA §681.200 - §681.320)

Participant demographic information, including income status and eligibility barriers, are used in the Statistical Adjustment Model used during performance negotiations. Therefore, low-income status should be recorded for any youth that meets the criteria and who provides documentation of low-income status. This should be recorded even when it is not an eligibility requirement for the selected barriers to employment.

A youth who meets *one or more* of the following low-income criteria can be identified as low-income status (WIOA Sec.129(a)(2) & Sec. 3(36)):

1. Receives, has received in the past six months, or is a member of a family that is receiving or has received in the past six months, assistance through:
 - The Supplemental Nutrition Assistance Program (SNAP);
 - Temporary Assistance for Needy Families (TANF) programs;
 - The Supplemental Security Income (SSI) program; or
 - State or local income-based public assistance.
2. Is in a family with total family income that does not exceed the higher of:
 - The poverty line/Lower Living Standard (LLS); or
 - 70 percent of the Lower Living Standard Income Level (LLSIL).
3. Is an individual with a disability whose individual income meets the requirement of criteria 2, but is a member of a family whose income does not meet criteria 2;
4. Is a homeless individual, as defined in the Violence Against Women Act, or a homeless child or youth, as defined under the McKinney-Vento Homeless Assistance Act;
5. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
6. Is a foster child on behalf of whom State or local government payments are made; or
7. Lives in a high-poverty area. See Attachment II of Training and Employment Guidance Letter ([TEGL 21-16](#)) for additional information on determining if a youth is living in a high-poverty area.

Included Income for Youth Programs

Per [TEGL 19-16](#), WIOA Youth Programs must include payments for unemployment compensation, child support payments, and old-age survivors' insurance benefits as income when determining a youth's eligibility based on low-income status.

iii. BASIC SKILLS DEFICIENCY

WIOA defines a basic skills deficient individual as an individual:

1. With English reading, writing or computing skills at or below the 8th grade level on a generally accepted standardized test; or
2. 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.

Per the first part of the definition, to demonstrate that a youth is reading below the 8th grade level, only standardized testing instruments including records from the schools, should be used. The second part of the definition must be implemented based on the established local policy.

Note that LWDBs may use previous basic skills assessment results if the assessments were conducted within the past six months.

iv. NEEDS ADDITIONAL ASSISTANCE

If a LWDB chooses to use the needs additional assistance criteria for eligibility, policies must be developed for:

- ISY to complete an educational program or to secure and hold employment; and
- OSY to enter or complete an educational program or to secure or hold employment.

An individual who needs additional assistance may include, but is not limited to, a youth who is, failing a core subject; a victim of abuse; suffering from substance or medical issues; an expectant father; and/or the child of an incarcerated parent.

The LWDB should tailor its needs additional assistance policy to reflect the specific characteristics prevalent of youth in the local area and who may benefit from Youth Program services or do not have other local services available.

Needs additional assistance policies should be reasonable, quantifiable, and based on evidence that specific characteristics of the youth identified in the policy objectively needs additional assistance.

Note that the specific needs additional assistance characteristics should be different than WIOA Youth Program eligibility barriers.

Note that Needs Additional Assistance Criteria is limited to 5% of newly enrolled ISY in each program year.

V. FIVE PERCENT LOW-INCOME ELIGIBILITY EXCEPTION

WIOA allows a low-income exception where up to five percent (5%) 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.

The 5% low-income exception applies to newly enrolled youth in a PY that are:

- All ISY, who ordinarily need to be low-income; and
- OSY who fall into one of the following three low-income eligibility categories:
 1. Low-income, recipient of HS diploma or equivalency, and Basic Skills Deficient;
 2. Low-income, recipient of HS diploma or equivalency, and English Language Learner; and/or
 3. Low-income and needs additional assistance as defined by the LWDB.

A program must calculate the 5% based on the percentage of newly enrolled youth in the Local Workforce Development Area's (LWDA's) Youth Program in a program year, who ordinarily would be required to meet the low-income criteria.

For example, in a given program year, a LWDA enrolls 200 youth into its Youth Program. Let us assume, of these 200 youth fall into three types:

1. 120 are OSY (in categories that do not require the youth to be low-income);
2. 50 are OSY (in categories that ordinarily require the youth to be low-income); and
3. 30 are ISY (who are ordinarily always required to be low-income).

However only the last two types of youth that ordinarily need to be low-income fall into the "5% low-income exception" group. This means only 5% of these 80 (50 +30) youth can be included in calculating the number of 5% low-income exception.

5% of 80 = 4

This means that four of these 80 youth are not required to be low-income if they are otherwise eligible youth participants.

Management Reports are useful in the determination of low-income requirements. To access the Management Reports:

- Within the NYSDOL network: <http://10.64.106.121:8055/reportsite/index.jsp>
- Outside the NYSDOL network: <http://my.ny.gov>

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