MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

100 DCS 19.101.1 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Development Board Chairs
Workforce Development Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: February 17, 2016

Subject: **WIOA Title I Youth Eligibility, Revised**

Purpose: To notify Local Workforce Development Boards, One-Stop Career Centers, youth practitioners, and other workforce partners of updated guidance regarding the eligibility requirements for youth served under Title I of the Workforce Innovation and Opportunity Act (WIOA). This policy replaces Mass Workforce Issuance no. 100 DCS 19.01 WIOA Title I Youth Eligibility (May 19, 2015).

Revisions:

- High Poverty Area added to the definition of Low-Income
- Requires Additional Assistance Limitation for In-School Youth
- Gender Change and Selective Service
- Attachment A – Definitions
- Attachment B – Source Documentation

Background: WIOA supersedes the Workforce Investment Act of 1998 and presents an extraordinary opportunity to improve job and career options for our nation's workers and jobseekers through an integrated, job driven public workforce system that links diverse talent to businesses. It supports the development of strong, vibrant regional economies where businesses thrive and people want to live and work.

WIOA improves services to youth by placing a priority on serving out-of-school youth, providing work-based experiences, and improving services to youth with disabilities. WIOA promotes career pathways; increased attainment of recognized credentials and post-secondary certificates or degrees.

Youth must be eligible to participate in the WIOA Title I Youth Program. Eligible youth are ages 14-24 years of age and face barriers to school completion or employment.

Policy: Local Workforce Development Boards, in consultation with the chief elected officials, must establish WIOA Title I eligibility policies and procedures consistent with the guidance provided herein. In formulating local policies and procedures, local Boards must specifically address the following WIOA Title I Youth eligibility issues:

- Local parameters for the definition of *Requires Additional Assistance*
- Local parameters for the definition of *Self-sufficiency*

This policy guidance is subject to revision as additional guidance is issued from the U.S. Department of Labor.

WIOA Title I Youth Participant Eligibility

WIOA establishes separate criteria for Out-Of-School Youth and In-School Youth.

Out-Of-School Youth is defined as an individual who is:

(a) Not attending any school (see definition in Attachment A);
(b) Not younger than 16 or older than 24 at the time of enrollment; **and**
(c) Meets one or more of the following conditions:
  (1) School Dropout;
  (2) 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;
  (3) Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
  (4) Subject to the juvenile or adult justice system;
  (5) A homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
  (6) Pregnant or parenting;
  (7) An individual with a disability;
  (8) Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA sections 3(46) and 129(a)(1)(B).)

In-School Youth is defined as an individual who is:

(a) Attending school (see definition in Attachment A);
(b) Not younger than 14 or (unless an individual with a disability who is attending school under State law) older than 21 at the time of enrollment;
(c) Low-income; **and**
(d) Meets one or more of the following conditions:
    (1) Basic Skills Deficient
    (2) An English Language Learner
    (3) An Offender
    (4) Homeless, a runaway, in foster care or has aged out of foster care system, a child eligible for assistance under 477 of the Social Security Act (42 U.S.C), or in an out-of-home placement.
    (5) Pregnant or parenting
    (6) An individual with a disability
    (7) Requires additional assistance to complete an educational program or to secure or hold employment.

Documentation

Youth must submit documentation which demonstrates that they are eligible to participate in WIOA Title I activities. Documentation demonstrating youth eligibility must be contained in a secure location.

A list of documentation that demonstrates participant eligibility can be found in Attachment B.

Low-Income

A low-income individual is an individual who:

- Receives, or in the past 6 months 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), or the supplemental security income program established under Title XVI of the Social Security Act, or State or local income-based public assistance;
- Is in a family with total income that does not exceed the higher of –
    (I) The poverty line; or;
    (II) 70 percent of the lower living standard income level;
- A homeless individual;
- Receives or is eligible to receive free or reduced price lunch;
- A foster child on behalf of whom State or local government payments are made;
- An individual with a disability whose own income meets the low-income level for eligibility purposes;
- A youth who resides in a High Poverty Area.

Non Low-Income Exception

In accordance with WIOA Sec, 129 (3)(A)(i), a "covered individual" means any In-School Youth, or, an Out-Of-School Youth who meets the following conditions:

- Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner
- Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

In each local area not more than 5 percent of "covered individuals" may be persons that are not low income. Individuals who are not low-income and enrolled in activities funded by WIOA Title I must provide source documentation to prove they are "covered individuals".

Requires Additional Assistance Limitation for In-School Youth

In accordance with WIOA Sec. 129 (a)(3)(B), not more than 5 percent of the in-school youth may be an individual who requires additional assistance to complete an education program or to secure or hold employment.

U.S. Citizenship or Authorization to Work in the United States if a Non-U.S. Citizen

Eligible youth must also be a citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, and parolee, and other immigrant authorized by the Attorney General to work in the United States. §188(a)(5)

Selective Service Registration Requirements for Males Under 26

Before being enrolled 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. 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

Gender Change and Selective Service

FOR FEMALE TO MALE (FTM) INDIVIDUALS
People who were assigned female at birth are not required to register with the Selective Service regardless of their current gender or transition status. A male who was assigned female at birth may provide an exemption from registering with Selective Service when applying to a WIOA funded program. A Status Information Letter (SIL) to prove exemption from registering with Selective Service can be requested. Individuals can visit the Selective Service website (http://www.sss.gov/PDFs/SilForm_Instructions.pdf) or call 1-888-655-1825 to obtain an SIL request form.

FOR MALE TO FEMALE (MTF) INDIVIDUALS
People who were assigned male at birth are required to register with the Selective Service within thirty days of their eighteenth birthday. This includes those who may have transitioned before or since then.
Individuals can register on-line for Selective Service by visiting the Selective Service by visiting the link below:
http://www.sss.gov/default.htm

Pursuant to the USDOL policy that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the provider agencies that disburse them, the local Title I operator is responsible for determining if an individual seeking services under Title I meets Selective Service requirements. As such, the Title I operator must determine for any Title I applicant who was required to register with Selective Service and failed to do so, whether that failure was knowing or willful. It is the responsibility of the individual to demonstrate that such failure to register was not knowing or willful. All such determinations must be documented in the participant's case file. DOL TEGL 8-98 issued 11/4/98.

Program Service Elements

In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, service providers shall provide services consisting of the following elements:

1. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. alternative secondary school services, or dropout recovery services, as appropriate;
3. paid and unpaid work experiences that have as a component academic and occupational education, which may include:
   - summer employment opportunities and other employment opportunities available throughout the school year;
   - pre-apprenticeship programs;
   - internships and job shadowing; and
   - on-the-job training opportunities;
4. occupational skills training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in-demand industry sectors or occupation in the local area involved;
5. comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;

6. leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. supportive services;
8. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. financial Literacy Education;
11. entrepreneurial Skills Training;
12. services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services;
13. activities that help youth prepare for and transition to postsecondary education and training;
14. education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

Local Boards must ensure that all 14 program service elements are available to youth in the local area, although individual youth participants need not participate in all 14 program service elements. Participation in the program service elements is based on a youth's objective assessment and individual service strategy. Local grant recipients do not need to provide all 14 program service elements with WIOA funds if certain services are already accessible for all eligible youth in the local area. Local areas should identify the extent to which the 14 program service elements are available or already being provided in the local area through a combination of resource mapping, competitive selection of providers, or through community partnerships.

Career Pathways Development

WIOA places an emphasis on the development of career pathways for youth. A connection to a career pathway must be included as part of a youth's individual service strategy. Career Pathways are designed to transition youth from education to the workforce. Career Pathways are an integrated collection of programs and services intended to develop a youth's core academic, technical and employability skills, provide them with continuous education, training and place them in high-demand jobs.

Performance Indicators

The WIA Youth Common Measures will remain in effect through June 30, 2016. The following Performance Indicators are effective July, 2016:

1. Placement in Employment/Education 2nd Qtr. after exit
2. Placement in Employment/Education 4th Qtr. after exit
3. Median Earnings 2nd Qtr. after exit
4. Credential Attainment (up to 1 year after exit)
5. Measurable Skills Gains

6. Effectiveness in Serving Employers

Action Required: Local Workforce Development Boards must ensure compliance with this guidance and develop local policies and standard operating procedures for the determination of eligibility for youth participation in the WIOA program.

Effective: Immediately

References: Workforce Innovation and Opportunity Act Overview, July 22, 2014

Workforce Innovation and Opportunity Act

Training and Employment Guidance Letter WIOA No. 23-14 "Workforce Innovation and Opportunity Act" (WIOA) Youth Program Transition

Training and Employment Guidance Letter WIOA No. 8-15: Operating Guidance for the Workforce Innovation and Opportunity Act (WIOA)

WIOA Notice of Proposed Rules

National Center for Transgender Equality

Attachments: A - Definitions
B - Source Documentation
C - Alternative Forms of Documentation
D - Applicant Statement Form
E - Telephone Verification Form
F - Document Inspection Form