

# Mass Workforce Issuance

100 DCS 19.101.2

☒ 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 24, 2017

**Subject:** WIOA Title I Youth Eligibility

**Purpose:** To notify Local Workforce Development Boards, One-Stop Career Center Operators, 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).

**Updates:**

- Update to REG 11-11, citation on page 5
- Update to URLs on pages 4 and 5
- Update to criteria for ISY and OSY
- Update to Attachment A – Definitions
- Update to 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 places 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 meet eligibility requirements to participate in the WIOA Title I Youth Program. Eligible youth are those who are 14-24 years of age and face specific 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 (OSY) and In-School Youth (ISY).

An 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 and not 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 § 681.210); 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) Juvenile offender (subject to the juvenile or adult justice system);
  - (5) A homeless individual, aged 16 to-24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney Vento Homeless Assistance Act, or a runaway;
  - (6) 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 sec. 477 of the Social Security Act (42 USC 677), or in an out-of-home placement.
  - (7) Pregnant or parenting;
  - (8) An individual with a disability;
  - (9) 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))

An 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) A homeless individual, aged 14-21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725(2) of the McKinney Vento Homeless Assistance Act, or a runaway;
  - (5) 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 or kinship guardianship or adoption, a child eligible for assistance under 477 of the Social Security Act (42 USC 677) or in out-of-home placement;
  - (6) Pregnant or parenting;
  - (7) An individual with a disability;
  - (8) Requires additional assistance to complete an educational program or to secure or hold employment.

#### **Documentation**

Documentation is necessary to support WIOA Title I Youth Eligibility. Local areas must verify and confirm that youth are eligible to participate in WIOA youth services through an examination of documents. Documentation may be stored electronically, however documentation must be available to program, fiscal monitors, and auditors for monitoring purposes. Local Areas must retain records for a period of at least three (3) years after the submittal of the final closeout expenditure report for that funding period.

A list of documentation that demonstrates participant eligibility can be found in Attachment 2.

#### **Low-Income**

A low-income individual is one 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;
- Youth who reside in a High Poverty Area (defined as at least 25% poverty rate).

#### **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 ISY newly enrolled in a program year may be eligible based on this barrier.

#### **US Citizenship or Authorization to Work in the United States if a Non-US 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 26<sup>th</sup> 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.

#### **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 through the Selective Service website <https://www.sss.gov/Portals/0/PDFs/Status.pdf>. A request can also be made by telephone at 1-888-655-1825.

#### 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: <https://www.sss.gov/Home/registration>.

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 the 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 [TEGL1171 Change](#) issued 05/16/2012.

#### **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 Final Regulations](#)  
[WIOA Final Regulations](#)  
[National Center for Transgender Equality](#)

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