

Effective Date: Changes Effective Retroactive to July 1, 2019

ACTION BULLETIN

TO: Recipients of Workforce Innovation and Opportunity Act (WIOA), Title I
Formula Youth Funds

DATE: January 17, 2020

SUBJ: **WIOA Youth Eligibility Guidance and Program Requirements**

Purpose of Bulletin:

The purpose of this bulletin is to provide an **update** to the “Youth Eligibility” Section. Updates to this bulletin will be reflected in **bold font** (excluding section headers) and may be found in the In-School Youth Eligibility Section; “Age” requirements.

Citations:

- Department of Labor (DOL) Training and Employment Guidance Letter (TEGL) 21-16
- DOL TEGL 26-13 WIA-Same Sex Marriage
- DOL TEGL 19-16, Operating Guidance for WIOA; Attachment III Key Terms and Definitions
- ACWDB’s Action Bulletin (AB) 17-01
- Employment Development Department (EDD) Directive WSD16-01
- 42 U.S. Code § 12102 - Definition of disability
- Workforce Services Directive (WSD) 17-07 Youth Program Requirements

Background:

Participation in any WIOA-funded program requires a determination of eligibility. Eligibility criteria are established in the law and are specific to each of the three Title I funding streams (Adult, Dislocated Worker and Youth).

Standard Local Eligibility criteria that span the three WIOA Title I funding streams (Adult, Dislocated Worker and Youth) include:

- Right to Work in the United States;
- Selective Service Registration for males born in 1960 or later;
- Date of Birth / Age;
- Documentable Social Security Number; and
- Residency.

These criteria are defined in ACWDB’s AB 17-01.

Youth Eligibility:

Eligibility for WIOA’s Title I, Youth program includes the five (5) Standard Local Eligibility criteria listed above. However, in addition to those requirements, this population must also be determined eligible in the following categories:

1. In-School Youth:

Standard Local Eligibility Category Definitions, criteria, and standards for documentation for Right to Work, Selective Service Registration, Social Security Number, and Residency may be found in ACWDB’s Action Bulletin (AB) 17-01 on the ACWDB website (acwdb.org).

Eligibility Category	Criteria	Documentation Standards	Examples of Documentation
1. <u>AGE</u>	a. Ages 14 – 21 (Inclusive) (Ages 22 – 24 cannot be In-School) NOTE: Exceptions allowed for disabled youth over 21 w/IEP and still served in K-12 system as allowed by State.	Docs Must Contain: i. Name of applicant; ii. Applicant’s date of birth	- Refer to ACWDB’s AB 17-01 Section 3 for a complete list of documentation. - Other documents ①
2. <u>SCHOOL STATUS</u> In-School	a. Enrolled in/attending school b. On a scheduled school break with the intent to return c. Is between school years and is enrolled and plans to attend subsequent year d. Attending High School Equivalency (HSE) Program or dropout re-engagement that is funded by public K-12 system	i. Self-Attestation on the WIOA application is the primary documentation. ii. In the event the situation warrants, declarations may be used.	- A printed WIOA application with appropriate options selected, containing an original signature from the applicant and a parent/guardian/responsible adult (if required) - an ACWDB Declaration form with explanation and original signatures from applicant and parent/guardian/responsible adult (if required) - Other documents ①
3. <u>BARRIERS</u> 3.A. Basic Skills Deficient	a. Applicant scored below the 9 th grade level in either reading or math (NOTE: May use tests administered within 1 year of the application date)	Docs Must Contain: i. Name of applicant ii. Date test administered iii. Test results in grade level format	- Score sheet or test booklet from test administered - Other documents ①
3.B. English Language Learner	a. Has limited ability in reading, writing, speaking, or comprehending the English language; and whose native language is other than English; or who lives in a community/home where dominant language is other than English	i. Self-attestation is the primary documentation used for this category ii. Original signatures from applicant and possibly from corroborating witness	- ACWDB’s Declaration form - Other documents ① - School Records/Proof of ESL or ELL classes
3.C. Offender	a. Any involvement with the criminal justice system; and for whom services under this act may be beneficial; or who requires assistance overcoming artificial barriers to employment resulting from a record of arrest or conviction.	Docs Must Be: i. From an official agency and based on official court, juvenile, parole, or probation records ii. Signed by official representative	- Letter from Parole or Probation Officer - Letter from School Counselor - Other documents ①
3.D. Homeless/Run-Away	a. Homeless Youth b. Run-Away Youth	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- ACWDB’s Barriers Declaration - ACWDB’s Declaration Form - Social Service Records - Shelter Letter - Other Documents ①

1. In-School Youth (Continued):

Eligibility Category	Criteria	Documentation Standards	Examples of Documentation
3. <u>BARRIERS (continued)</u> 3.E. Foster/Former Foster	a. Foster Care Youth b. Youth aged out of Foster Care c. Foster Youth, at least 16 who left foster care for kinship guardianship, adoption, or to return to home/family.	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Social Service Records - Independent Living Program Records - Other public or private agency with access to foster records - Other documents ①
3.F. Pregnant/Parenting	a. Female or male who is between the ages of 16 – 21 and who is either pregnant or parenting a dependent child	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Social Service Records - Medical Records/Letter from a Dr. or medical facility - Official School Records - Other documents ①
3.G. Individuals with disabilities	a. Physical/mental impairment that substantially limits one or more major life activities	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Official School Records - Medical Records/Letter from a Dr. or medical facility - Social Service Records - Other documents ①
3.H. Requires Additional Assistance to Complete an Educational Program ③	a. At risk of dropping out of school b. Attending alternative school c. Deficient in academic credits d. Below expected levels of educational achievement e. Unstable living conditions f. Lacks familial support to complete an educational program	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Official School Records - ACWDB’s Barriers Declaration - ACWDB’s Declaration Form - Letter from a counselor/therapist - Other documents ①
3.I. Requires Additional Assistance to Secure and Hold Employment ③	a. Has never been employed b. Has been fired within 12 mos of application c. Has never had full-time job (30+ hrs/wk for 13+ consecutive weeks) d. Lacks familial support to secure and hold employment	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- ACWDB’s Employment History Form - ACWDB’s Declaration Form - Employer Records - Other documents ①
4. <u>LOW INCOME</u> 4.A. Automatically Low-Income	a. TANF/GA/Food Stamps/SSI ② on or within 6 mos of app date b. Foster Care on App date c. Eligible for Free/Reduced Lunch d. Homeless e. Resides in High Poverty Area ⑤	Docs Must: i. Identify the applicant specifically as an eligible person on the grant; ii. Confirm status on the date of application	- Social Service Records - Official School Records - Shelter Letter - American Community Survey 5-yr data (poverty rate 25% & up) - Other documents ①
4.B. Family of One Low-Income	a. Disabled Individual only own income included b. Lives with only non-familial ④ individuals c. In-Family, Non-Dependent d. Incarcerated/Emancipated/Run-Away e. Non-Familial Support	i. Family size docs should be current to the app date ii. Income docs should cover 6month period ending on app date	- Disability docs - Proof of household members in home - Proof of wages (6 months) - ACWDB’s Non-Familial Support Statement - Court/Legal documents - Other documents ①
4.C. All Other Low Income	a. Gross family income below Poverty Guideline or the Lower Living Standard Income Level – Whichever is higher	Docs Must i. Establish number in family on app date ii. Verify total gross income for the 6 mos prior to app date	- Family member ID(s) - Family member proof of address - Family member proof of wages or unemployed status (dates) - Other documents ①

① = With prior approval or assistance from Workforce Technician.

② = Temporary Assistance for Needy Families (TANF); General Assistance (GA); Supplemental Security Income (SSI).

③ = The “Requires Additional Assistance” Barriers may only be used to qualify 5% of **In-School Youth** enrolled within a single program year.

④ = See definition of “Family” in definitions section.

⑤ = High Poverty Areas as reflected in the American Community Survey 5-year data on the US Census Fact Finder website

https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

ACWDB has identified two zip codes located within ACWDB’s area that meet the 25% Poverty Rate requirement for High Poverty Area. These two areas are:

- 94704 @ 48.7% Poverty; and
- 94720 @ 46.7% Poverty

WIOA Applicants who reside within either of these zip codes qualifies as “Automatically Low Income”

2. Out-of-School Youth:

Standard Local Eligibility Category Definitions, criteria, and standards for documentation for Right to Work, Selective Service Registration, Social Security Number, and Residency may be found in ACWDB's Action Bulletin (AB) 17-01 on the ACWDB website (acwdb.org).

Eligibility Category	Criteria	Documentation Standards	Examples of Documentation
1. <u>AGE</u>	a. Ages 16 – 24 (Inclusive)	Docs Must Contain: i. Name of applicant; ii. Applicant's date of birth	- Refer to ACWDB's AB 17-01 Section 3 for a complete list of documentation. - Other documents ①
2. <u>SCHOOL STATUS</u> 2.A. Out-of-School	a. Not attending any secondary or post-secondary school for at least the most recent complete calendar quarter (Adult Ed, YouthBuild, JobCorp, and Charter School Programs who provide instruction exclusively in partnership with WIOA or other Federal programs are not considered "school")	i. Self-Attestation on the WIOA application is the primary documentation. ii. In the event the situation warrants, declarations may be used.	- A printed WIOA application with appropriate options selected, containing an original signature from the applicant and a parent/guardian (if required) - an ACWDB Declaration form with explanation and original signatures from applicant and guardian (if required) - Other documents ①
3. <u>BARRIERS (ONLY one)</u> 3.A. High School Grad who is low-income and either: - basic skills deficient (BSD); or - English Language Learner (ELL)	a. H.S. Grad: has achieved diploma, GED, or other equiv certificate b. Low-income: See In-School Youth Elig Chart, Section 4 c. BSD: Below 9 th grade level in reading or math d. ELL: See In-School Youth Elig chart, section 3.B.	i. HS Grad generally documented on WIOA app ii. See In-School Youth Elig chart., Section 4 iii. See In-School Youth Elig chart, section 3.A. iv. See In-School Youth Elig chart, section 3.B.	- HS Grad: WIOA app with options selected w/original signature from applicant and parent/guardian (if req'd) - Low Income, BSD, ELL: See In-School Youth Elig chart, sections 4, 3.A., and 3.B. respectively
3.B. Criminal Justice System Involvement	a. Any involvement with the criminal justice system; and for whom services under this act may be beneficial; or who requires assistance overcoming artificial barriers to employment resulting from a record of arrest or conviction.	Docs Must Be: i. From an official agency and based on official court, juvenile, parole, or probation records ii. Signed by official representative	- Letter from Parole or Probation Officer - Letter from School Counselor - Other documents ①
3.C. Homeless/Run-Away	a. Homeless Youth b. Run-Away Youth	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- ACWDB's Barriers Declaration - ACWDB's Declaration Form - Social Service Records - Shelter Letter - Other Documents ①
3.D. Foster/Former Foster	a. Foster Care Youth b. Youth aged out of Foster Care c. Foster Youth, at least 16 who left foster care for kinship guardianship, adoption, or to return to home/family.	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Social Service Records - Independent Living Program Records - Other public or private agency with access to foster records - Other documents ①
3.E. Pregnant/Parenting	a. Female or male who is between the ages of 16 – 24 and who is either pregnant or parenting a dependent child	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Social Service Records - Medical Records/Letter from a Dr. or medical facility - Official School Records - Other documents ①
3.F. Individuals with disabilities	a. Physical/mental impairment that substantially limits one or more major life activities	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- Official School Records - Medical Records/Letter from a Dr. or medical facility - Social Service Records - Other documents ①
3.G. School Drop-Out	a. No longer attending any school and has not received a secondary school diploma or its recognized equivalent. NOTE: Student is not considered a drop-out when they fail to continue at a post-secondary education level	Docs Must: i. Identify the applicant ii. Confirm status on the app date	- Official School Records - ACWDB's Barriers Declaration - ACWDB's Declaration Form - Other documents ①

2. Out-of-School Youth (Continued):

Eligibility Category	Criteria	Documentation Standards	Examples of Documentation
3. BARRIERS (ONLY one) (Continued) 3.H. A low-income individual who requires Additional Assistance to Complete an Educational Program ③	a. Unstable living conditions b. Lacks familial support to complete an educational program	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- ACWDB's Barriers Declaration - ACWDB's Declaration Form - Letter from a counselor/therapist - Other documents ①
3.I. A low-income individual who requires Additional Assistance to Secure and Hold Employment ③	a. Has never been employed b. Has been fired within 12 mos of application c. Has never had full-time job (30+ hrs/wk for 13+ consecutive weeks) d. Lacks familial support to secure and hold employment	Docs Must: i. Identify the applicant; ii. Confirm status on the date of application	- ACWDB's Employment History Form - ACWDB's Declaration Form - Employer Records - Other documents ①

① = With prior approval or assistance from Workforce Technician.

② = Temporary Assistance for Needy Families (TANF); General Assistance (GA); Supplemental Security Income (SSI).

③ = The 5% limitation applied to use of the "Requires Additional Assistance" Barriers applies only to In-School Youth Eligibility. There is no limitation for use of these barriers for Out-of-School Youth eligibility

④ = See definition of "Family" in definitions section.

⑤ = High Poverty Areas as reflected in the American Community Survey 5-year data on the US Census Fact Finder website
https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml

ACWDB has identified two zip codes located within ACWDB's area that meet the 25% Poverty Rate requirement for High Poverty Area. These two areas are:

- 94704 @ 48.7% Poverty; and
- 94720 @ 46.7% Poverty

WIOA applicant who reside within either of these zip codes qualify as "Automatically Low Income" regardless of family income.

Additional Definitions:

On March 8, 2001, the Alameda County Workforce Investment Board (WIB) approved the eligibility definitions for the WIA Youth programs. Alameda County Workforce Development Board (ACWDB) has adopted these definitions and will apply them, as applicable to WIOA, Title I Youth eligibility. Additionally, the Department of Labor has identified and defined terms used in determination of WIOA Youth eligibility – and those definitions are also included below.

Definitions:

1. Basic Skills Deficient shall be defined as:

- (a) an individual who computes or solves problems, reads, writes, or speaks English below the 9th grade level on a generally accepted standardized test or a comparable score on a criterion referenced test.

2. Disabled shall be defined as:

- (a) an individual with a physical or mental impairment that substantially limits one or more major life activities (including, but not limited to):
- | | |
|------------------------------|------------------------|
| i. caring for oneself; | vi. walking; standing; |
| ii. performing manual tasks; | vii. lifting; |
| iii. seeing; hearing; | viii. bending; |
| iv. eating; | ix. speaking; |
| v. sleeping; | x. breathing; |

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| xi. learning; reading; | xv. working; |
| xii. concentrating; | xvi. immune system
functionality; |
| xiii. thinking; | xvii. normal cell growth; |
| xiv. communicating; | |
| xviii. digestive, bowel, bladder, brain, respiratory, circulatory, endocrine, and reproductive functions | |

3. English Language Learner shall be defined as:

- (a) an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and
- i. whose native language is a language other than English; or
 - ii. who lives in a family or community environment where a language other than English is the predominant language.

4. Family shall be defined as:

- (a) Two or more persons related by blood, marriage*, or decree of court, who are living in a single residence, and are included in one or more of the following categories:
- i. A husband*, wife*, and dependent children
 - ii. A parent or guardian and dependent children
 - iii. A husband* and wife*

* NOTE: Consistent with Training and Employment Guidance Letter (TEGL) 26-13, the definition of “marriage” includes same-sex spouses, and the terms of “husband” and “wife” are to be interpreted in a gender-neutral manner to include same-sex couples/relationships.

5. Homeless shall be defined as:

- (a) an individual who lacks a fixed, regular, adequate nighttime residence;
- (b) an individual who has a primary nighttime residence that is a supervised, publicly or privately-operated shelter designed for temporary living accommodations;
- (c) an applicant who sleeps in a public or private place not designated as regular sleeping accommodations for human beings; or
- (d) an individual who is living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations.

6. Offender shall be defined as:

- (a) an individual (adult or juvenile) who is or has been subject to the juvenile or adult justice system;
- (b) and for whom services under this act may be beneficial; or
- (c) an individual who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

7. Pregnant or Parenting shall be defined as:

- (a) an individual (male or female) who is between the ages of 14 and 24 and who is either:
- i. pregnant or expecting a child; or
 - ii. parenting a dependent child.

8. Requires additional assistance to complete an educational program* shall be defined as an individual who:
 - (a) is at risk of dropping out of school, as identified by a referral from a school staff person, probation officer, or other responsible person documenting chronic attendance or discipline problems, or educational underachievement, and/or other indications which have been adopted by the Local Education Agencies (LEAs); or
 - (b) is attending an alternative school / education program; or
 - (c) is credit deficient; or
 - (d) whose educational achievement is below expected levels; or
 - (e) who has unstable living conditions; or
 - (f) lacks familial support to complete an educational program.

9. Requires additional assistance to secure and hold employment* shall be defined as an individual who:
 - (a) has never held a job; or
 - (b) has been fired from a job within the 12 months prior to application; or
 - (c) has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks; or
 - (d) lacks familial support to secure or hold employment.

10. School shall be defined as:
 - (a) any secondary or postsecondary school (Title 20 CFR Section 681.230); including traditional K-12 public and private schools (continuation, magnet, charter, and home).

11. School Drop-Out shall be defined as:
 - (a) an individual who, on the date of application, is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

12. Underemployed Youth (Out-of-School Youth ONLY) shall be defined as an individual who:
 - (a) is employed but working part-time and desires full time employment, or
 - (b) is employed full-time in short-term (four months or less) jobs within the year prior to application, which was for the purpose of income maintenance rather than a career path.

* The “Requires Additional Assistance” barriers may only be used at a rate of 5% of the Local Area’s total enrolled **In-School** Youth population. ACWDB had developed a policy and procedures for providers to formally request use of these barriers.

Procedure:

The WIOA Youth programs will use the approved definitions to identify youth that are eligible to receive WIOA-funded services.

Acceptable documentation to substantiate the eligibility definitions are outlined and referenced within this bulletin. Technical assistance and training, provided by the Workforce Services

Support Team (WSST) of the ACWDB, will be made available to appropriate provider staff on a regular basis or as requested or required. Topic of training may cover:

- Intake and recruitment standards;
- Collection of eligibility documentation;
- Development of a customer case file and appropriate storage of customer’s personal, identifiable information (PII);
- Case Management Requirements;
- Enrollment and closure of service activities;
- Exit of participants;
- Reporting Follow Up activities in CalJOBS; and
- Other CalJOBS features related to WIOA services.

Participants found to be ineligible through programmatic monitoring may be excluded from contract performance goals.

Program Requirements:

In addition to the requirement to meet WIOA program eligibility criteria, youth participants enrolled in the WIOA, Title I, Youth programs must be provided services in compliance with the following requirements:

1. Provide one or more of the following services as specified in the 14 Required program elements:

PROGRAM ELEMENTS		Enrollment Activity Code and Description	
#	Description	Code	Description
1	Tutoring, Study Skills Training, Drop-out Prevention, Education Recovery	406	Tutoring, Study Skills Training & Instruction
2	Alternative secondary School services	415	Enrolled in Alternative Secondary Education
3	Paid/Unpaid Work Experience, Pre-Apprenticeship, Internship, Job Shadowing, On-the-Job Training	400	Youth Summer Employment
		408	Youth Internship (Unpaid)
		409	Youth Job Shadowing
		425	Work Experience (Paid)
		426	Work Experience (Unpaid)
		427	Internship (Paid)
		428	Youth On-the-Job Training
		431	Pre-Apprenticeship Training
4	Occupational Skills Training	432	Apprenticeship Training
		416	Occupational Skills Training (ETPL)
		430	Youth Occupational Skills Training (Statewide Youth Provider List)

5	Education AND Workforce Preparation Activities	418	Adult Education (GED)
		421	Post-Secondary Education
6	Leadership Development	410	Leadership Development Services
7	Supportive Services	480 - 493	Approved Youth Support Service Activities (Not all are allowable)
8	1-year+ Adult Mentoring	411	Adult Mentoring
9	Follow Up Services	F01 – F10	Approved Youth Follow Up Services
10	Comprehensive Guidance Counseling	417	Comprehensive Guidance Counseling
11	Financial Literacy Education	407	Financial Literacy Education
12	Entrepreneurial Skills Training	424	Entrepreneurial Skills Training
13	Labor Market Information, Career Awareness/Exploration/Counseling	433	Career Awareness
		434	Career Exploration
		435	Career Counseling/Planning
14	Transition to Post-Secondary Education and Training	436	Post-Secondary Transition Services

2. Provide one or more Work-Based Learning activities as specified in the list below:

WORK-BASED LEARNING ACTIVITIES	
Code	Definition
400	Youth Summer Employment
408	Youth Internship (Unpaid)
409	Youth Job Shadowing
425	Work Experience (Paid)
426	Work Experience (Unpaid)
427	Internship (Paid)
431	Pre-Apprenticeship Training
432	Apprenticeship Training
433	Career Awareness
434	Career Exploration
435	Career Counseling/Planning
437	Pre-Apprenticeship w/Occupational Skills Training

3. All Youth enrolled in WIOA-funded, Title I programs must be provided Soft Skills/Leadership Development Activities as follows:

SOFT SKILLS/LEADERSHIP DEVELOPMENT ACTIVITIES	
Code	Definition
410	Leadership Development Services

Action:

The WIOA Youth Service Providers must use these definitions and collect and maintain WIOA eligibility documentation in the case file that is sufficient to guard against serving ineligible applicants.

Additionally, Youth Service Providers will be monitored to ensure they are providing services in compliance with the Program Requirements as specified above.

This information should be made available to all relevant staff at ACWDB Youth Service Providers.

Information & Inquiries:

For further information and inquiries please contact:

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