

South Central Workforce Development Board (SCWDB)



POLICY: WIOA YOUTH ELIGIBILITY POLICY

EFFECTIVE DATE: JULY 1, 2016

POLICY NUMBER: 2016-05

SUBJECT: WIOA YOUTH ELIGIBILITY POLICY

PURPOSE:

The policy on eligibility and registration ensures that every Workforce Innovation and Opportunity Act (WIOA) participant who receives WIOA Program funded services is eligible and registered to receive those services. The Workforce Innovation Act describes eligibility requirements for youth and young adults seeking services under WIOA. The guidelines below describe WIOA mandated youth-eligibility categories and additional categories developed at the local level.

EFFECTIVE DATE: July 1, 2016

ACTION REQUIRED:

Within 15 days of the receipt of this policy it is the recipient's (e.g., vendors, partners) responsibility to ensure all staff are informed of the policy and to create an internal process to ensure accountability.

BACKGROUND:

WIOA includes a number of improvements to ensure low-income workers—youth and adults—have the skills and supports they need for full participation in the American workforce. Specifically, Title I of WIOA includes several significant provisions that will increase the focus on comprehensive programming for out-of-school youth and those who face the greatest challenges. A minimum of 75% of WIOA youth funds must be spent on out of school youth (OSY).

Definition of Key Terms

"Basic Skills Deficient" individuals are:

- A youth with English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
- A youth or adult 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.

“Displaced Homemaker” means an individual who has been providing unpaid services to family members in the home and who:

- Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and
- Has been dependent on the income of another family member but is no longer supported by that income; or
- Is the dependent spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member.

“Low-income individuals” meet one or more of the characteristics listed below:

- Recipient of Cash Public Assistance
- Family Income that does not exceed the higher of 70% of the Lower Living Standard Income Level (LLSIL) or the poverty line
- Receives Food Stamps or was determined eligible to receive in the last six months
- Homeless
- Publicly supported Foster Child
- Individual with a disability and own income at or below 70% of the LLSIL or the poverty line
- Receives, or is eligible to receive a free or reduced price school lunch
- An individual who resides in a high poverty area, defined as an area that has a poverty rate of at least 30% (set every 5 years, using ACS 5 year estimates)

“An individual who requires additional assistance to complete an educational program or to secure or hold employment” is defined by the WDB as a youth who meets one or more of the following criteria:

- Has an Individualized Education Program (IEP);
- Has a letter from a guidance counselor asserting their need of additional assistance to complete an educational program or to secure or hold employment;
- Is currently credit deficient (i.e., one or more grade levels behind peer group);
- Has a poor work history (been fired from 1 or more jobs within the last six months, OR has a history of sporadic employment, such as “has held 3 or more jobs within the last 12 months, and is no longer employed”);
- Has actively been seeking employment for at least 2 months, but remains unemployed or underemployed. This includes a youth with no employment history, with limited work experience, and/or actively seeking full-time employment, but have only achieved part-time employment; or
- Has incarcerated parent(s)

“Not attending any school” means a youth not receiving services from a public school, charter school, cyber charter school, career and technical school, sectarian school, or private school. Individuals who are enrolled in adult basic education/GED preparation, skills training, or other remedial education programs, including YouthBuild and Job Corps are not attending any school for the purposes of this policy.

“Self-attestation” occurs when an individual states his or her status for a particular data element, and then signs and dates a form acknowledging this status.

“Self-certification” means an individual’s signed attestation that the information said individual submitted to demonstrate eligibility for a program under Title I of WIOA is true and accurate.

POLICY:

Youth must meet basic eligibility requirements as defined by local plan to participate in the WIOA Youth program. Both In School and Out of School Youth must meet the following eligibility requirements:

- be a citizen or noncitizen authorized to work in the U.S (WIOA Sec. 188 (5)).; and
- meet selective service registration requirements (males only if applicable) (see below).

Veterans-Veterans and eligible spouses receive priority of service for all United States Department of Labor funded employment and training programs. See **WDB Priority of Service Policy, 2016-04.**

Both in-school youth (ISY) and out-of-school youth (OSY), as defined below, are eligible for youth services. (WIOA sec. 3(18))

An out-of-school youth (OSY) is an individual who is:

- (i) Not attending any school (as defined under State law);
- (ii) Not younger than 16 or older than age 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
- (iii) One or more of the following:
 - (I) A school dropout;
 - (II) A youth who is 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 quarter is based on how a local school district defines its school year quarters;
 - (III) A recipient of a secondary school diploma or its recognized equivalent who is a low income individual and is either basic skills deficient or an English language learner;
 - (IV) An individual who is subject to the juvenile or adult justice system;
 - (V) A homeless individual (as defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - (VI) An individual who is pregnant or parenting;
 - (VII) An individual with a disability;
 - (VIII) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA Sec. 3(46) and Sec. 129 (a) (1) (B)) (20 CFR 681.210)

The Workforce Development Board has decided to focus close to 100% of their WIOA youth funds on out of school youth. However, each contractor may serve a few in school youth, as specified in individual contracts.

In-School Youth (ISY) is an individual who is:

- (a) Attending school (as defined by State law), including secondary and post-secondary school;
- (b) Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program;

- (c) A low-income individual; and
- (d) One or more of the following:
 - (1) Basic skills deficient;
 - (2) An English language learner;
 - (3) An offender;
 - (4) A homeless individual (as defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
 - (5) An individual who is pregnant or parenting;
 - (6) An individual with a disability;
 - (7) An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (WIOA Sec. 3(27) and Sec. 129 (a) (1) (C))

An eligible in-school youth or an out of school youth who have their high school diploma or GED and are basic skills deficient or an English language learner must also meet low-income definition.

NOTE: For the purposes of WIOA, providers of Adult Education under Title II of WIOA, YouthBuild programs, and Job Corps are not considered schools. (20 CFR 681.230)

Exceptions and Limitation

Exception: WIOA Sec. 129 (a) (3) defines in-school youth and the following two categories of out-of-school youth as “covered individuals:”

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

No more than five percent (5%) of youth served in a local area may be “covered individuals” who are not low income. [WIOA Sec. 129 (a) (3) (A) (ii)] This is calculated based on the percent of all youth served by a program in a given program year. [20 CFR 683.250(c)]

Limitation: No more than five percent (5%) of the in-school youth served in a local area may be “an individual who requires additional assistance to complete an educational program or to secure or hold employment. [WIOA Sec. 129 (a) (3) (B)]

Co-Enrollment in the WIOA Adult Program

The WDB encourages co-enrollment in youth and adult programs (Title I) and across all WIOA core programs where appropriate. Individuals who meet the respective program eligibility requirements may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Program operators may determine, for these individuals, the appropriate level and balance of services under the youth and adult programs. Program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services. Individuals who meet the respective program eligibility requirements for WIOA youth title I and title II may participate in title I youth and title II (Adult Education and Literacy) concurrently. (20 CFR 681.430) When determining in which program(s) to enroll a participant, the decision must be

based on the service needs of the participant, and if they are career ready based on an objective assessment of their occupational skills, prior work experience, employability and needs as required in WIOA. Sec. 129 (c) (1) (A). (20 CFR 481.440)

Eligibility Verification

When registering a Youth participant for WIOA services, service providers must ensure that the individuals are eligible in accordance with the eligibility requirements for WIOA (age, selective service registration, and citizenship, or eligible non-citizen). Each file must include a completed application for each applicant and documents that confirm eligibility. All questions on the intake form must be answered, and both the applicant and intake staff must sign the intake form.

All documents supporting eligibility must be included in the participant's file and available for review by the WDB or its designee. Examples of acceptable documentation are included in Attachment A. The applicant must be informed that all information is subject to verification and that false information is grounds for termination and possible prosecution under the law. The order of priority for methods of verification is:

1. Documentary evidence identified in Attachment A or approved by the WDB Director.
2. If documentary evidence is not available or if it cannot be provided when time is of the essence, collateral contacts that confirm the participant's eligibility by someone outside the participant's immediate family (Attachment B).
3. Notary-certification of eligibility criteria that includes reason why other documentation is unavailable (Attachment C).

Primary Eligibility Review

It is the contractor's (e.g. sub-recipient) responsibility to review and sign off on all registration paperwork for completeness, and accuracy prior to workforce delivery system staff review. The sub-recipient must maintain a centrally controlled file for each program applicant and registrant which contains copies of all documents collected. The sub-recipient will provide Federal, State, and WDB monitors with access to such records given reasonable notice.

It is the responsibility of the sub-recipient to enter the appropriate eligibility data into the Maryland Workforce Exchange (MWE) system with 100% accuracy and within 3 business days.

See attachment A for most common documents for proving WIOA Youth Eligibility.

Secondary Eligibility Review

WDB staff or designee will review a sample of files quarterly to ensure completeness and accuracy. Both paper files and electronic files will be reviewed. It will be the responsibility of the sub-recipient to make any corrections and to conduct an internal review of all files if areas of concern are found.

Forms found in the Kentucky Career Center, WIOA Preliminary Eligibility Policy - #16-026, WIOA-1 and WIOA 2, must be included in the participant file.

Self-Certification

Self-certification is allowed as a viable source for documenting eligibility for all WIOA Title I program participants. Self-certification should be used in rare circumstances for ISY and freely for OSY for the following criteria elements:

- Date of dislocation (Dislocated Worker)

- Displaced Homemaker (Dislocated Worker)
- Reemployment opportunity is poor/unlikely to return to work (Dislocated Worker)
- Permanently or temporarily laid off as a consequence of disaster (Dislocated Worker)
- English language learner (youth)
- Homeless (Adult and youth)
- In/Aged out of the foster care system (youth)
- Offender (youth)
- Pregnant or parenting (youth)
- Requires additional assistance (youth)
- Runaway (youth)
- School status at time of registration (youth)

Family income level may not be self-certified in any case.

Telephone Verification

Providers are encouraged to utilize telephone verification prior to self-attestation for adult, dislocated worker, and ISY populations where possible. Telephone verification involves verification of eligibility criteria through phone calls with recognized governmental or social services agencies. Information obtained through this method should be documented on the attached Telephone Verification Form (**Attachment E**). This form may be used when eligibility criteria are verified through telephone contact with agencies that could provide a written statement. Telephone verification should include the following: (a) date of contact; (b) person/agency contacted, including name address and telephone number; (c) potential participant's name; (d) signature/initials of person making contact.

Random Sampling Methodology

In order to verify applicant self-certification usage and to monitor self-attestations, the WDB will adopt a random sampling methodology. The methodology will verify eligibility in self-attested applications and will be implemented for all Title I programs.

Based on previous experience, the WDB estimates that less than 1% of participants report incorrect information when self-attesting on application forms. For the purposes of ensuring the validity of self-attested data, the WDB will use a 90% confidence interval and 5% margin of error. A random sample of the population utilizing self-attestation will be selected to verify if the information those individuals reported is correct. The size of the sample depends on the size of the population and is outlined in the table below. Population will be measured by funding stream (e.g. all OSY) and not by individual provider. Participants selected through the random sampling methodology will be notified at the time of eligibility and required to provide additional eligibility documentation.

Population Size	Random Sample Size
25	8
50	9
75	9
100	10
200	10
300	10
400	10
500	14
750	20
1000	26

Selective Service Requirements

Every male citizen and male permanent resident noncitizen in the United States between the ages of 18 and 26 are required to register with Selective Service. Males who failed to register with Selective Service by their 26th birthday and can provide written explanation and supporting documentation of any of the following may be eligible for WIOA services:

- over the age of 26 and were willing but unknowing of the requirement to register with Selective Service;
- incarceration, institutionalization, or hospitalization between the ages of 18-26; or
- non-citizen status and non-permanent resident status before age 26.

The WDB will monitor Selective Service exceptions to ensure that proper procedures are followed.

REFERENCES:

- WIOA Section 3(2), (5), (15), (16), (36); WIOA Section 129(a)(1)(B) and (C)
- Kentucky Career Center, WIOA Preliminary Eligibility Policy - #16-026,
- Kentucky Career Center, Co-Enrollment Policy
- Kentucky Eligible Training Provider List - <https://etpl.ky.gov/etpl/Default.aspx>

Approved:

3-17-2017

Date of WDB Approval

2-23-2017

Date of Governance
Committee Approval

Signed by:



Ron Sowell, WDB Chairman

Attachment A: Sample File Organization and Supporting Documentation

Most Common Documents for Proving WIOA Youth Eligibility

Providers are required to document youth eligibility. Use this checklist to determine what documents are acceptable forms of documentation. All of the required documentation, including the Application Packet, should be retained in the participant file. At least one document from every applicable category must be provided.

Left Side (of file)	Right Side (of file)
<ul style="list-style-type: none">• Eligibility Check List• Intake/Application/Eligibility determination forms• Documentation to support eligibility (eg selective service, birth certificate, income verification, self attestation/certification, drivers license, etc.)• Disability Documentation (if applicable)• Rights and responsibilities form - signed• Equal Opportunity (EO) Notification and Grievance Procedures• Release of Information - signed	<ul style="list-style-type: none">• ISS<ul style="list-style-type: none">• Include partners providing services and what they are providing• Assessment results• Customer Activity Record• Case Notes• Copies of any correspondence with the customer

DOCUMENTATION

Unless otherwise specified, each contractor may use their own forms and process. The items listed below indicate the type of documentation rather than a specific form.

Documenting General Information:

EO

- WDB-issued statement with a notification about the participant's rights, how to file a grievance, and about assistance available for handicapped persons.
- Participants must sign that they have received copies of the EO notification and grievance procedures, and these signed documents must be in each participant file.

Individual with a Disability

- Letter from Drug or Alcohol Rehabilitation Agency
- Medical Records
- Physician, Psychiatrist or Psychologist diagnosis/statement
- Rehabilitation evaluation
- School records
- Documentation from sheltered workshop
- Social Security Administration Disability records
- Social Service records/referrals
- Veterans Administration letter/records
- Vocational Rehabilitation letter/statement
- Worker's Compensation records/statement
- Case notes regarding observable condition

Temporary Assistance for Needy Families (TANF)

- Notice of eligibility and benefits from public assistance agency
- Copy of check
- Signed statement or telephone verification from Human Services Agency

Social Security Number:

- Signed Social Security Card,
- Social Security Benefits Documents,
- Employment Records (showing number),
- DD-214,
- UC Records (showing number)

Citizenship or Eligibility to Work:

- Birth Certificate,
- Alien Registration Card,
- Public Assistance Records,
- Social Security Card (work eligible) with ID,
- Passport,
- Telephone Verification Form,
- Self-Certification

Age/Date of Birth:

- Birth Certificate,
- Federal, State or Local Government ID,
- Public Assistance Records,

- Telephone Verification Form,
- Self-Certification

Selective Service Registration:

- Internet Verification/Registration

Family Income:

- Pay Stubs,
- Pension Statement,
- Social Security Benefits,
- UI Documents,
- Statement of Family Size/Family Income

Cash Public Assistance:

- Public Assistance Records

Food Stamps:

- Public Assistance Records

Homeless or Runaway:

- Shelter Letter,
- Individual Providing Shelter Statement,
- Telephone Verification Form,
- Self-Certification

Supported Foster Child:

- Court Documentation,
- State/Local Agency Statement,
- Telephone Verification Form,
- Self-Certification

Basic Skills Deficient:

- Standardized Test (CASAS)

Pregnant or Parenting:

- Birth Certificate,
- Doctor's Note,
- Social Service Agency Statement,
- Telephone Verification Form,
- Self-Certification

Dropout:

- Dropout Letter,
- School Record,
- Telephone Verification Form,

- Self-Certification

Offender:

- Court Documents,
- Halfway House Residency,
- Probation Letter,
- Telephone Verification Form,
- Self-Certification

School Status:

- School Record School Letter,
- Transcript,
- Telephone Verification Form,
- Self-Certification

**Special exception for youth aged 18 at the end of the prior calendar year (December 30, 20xx). Youth may be considered a family of 1 based on their own income if they are not enrolled in school and have a statement of independence completed on the self-certification form. The statement should be written similarly to this "Have received no income from any source during the past six months, I have been unemployed during that time, and have been supported by donations/contributions from relatives and friends." This statement should only be used if the situation is similar. This does not apply to foster youth and/or homeless/runaway youth*

Assessment Results

Documentation of assessments performed must be maintained in the case file and the results of assessments reported in MWE. Documentation may be from an authorized 3rd party (e.g., DRS, other vocational assessments, etc.). Assessment elements may include:

1. Work History - obtained by interview; participant statement
2. Education - participant statement, diplomas, school transcripts, etc.
3. Basic Skills - results of basic skills assessments
4. Occupational Skills - skill assessments, work and life experience, training certificates, educational records, participant statement
5. Interests - participant statement, formal occupational interest assessment
6. Aptitudes - work and life experience, educational records, formal occupational aptitude assessment
7. Aptitudes and Interest in Nontraditional Occupations – participant statement, work and life experience, educational records, formal occupational aptitude assessment
8. Employment Barriers - formal or informal assessment, participant statement
9. Financial Resources and Needs - documentation of income, records of public assistance, participant statement, statement from debt management agency
10. Supportive Service Needs - formal or informal assessment, participant statement, documentation

Case Notes

Record participant's progress toward reaching goals, document need for and the delivery of additional services. Document contacts with participant and report any new information pertaining to participant's employability. Entries must be made at regular intervals during customer's participation. Document contacts, events, services, etc. Case notes in MWE.

Customer Activity Record: Record contacts with case manager(s) and in other education and employment activities.

**Attachment B
WIOA TELEPHONE VERIFICATION FORM**

Identifying Information

Applicant Name: _____
Last First M.I.

Last Four Digits of Social Security Number (SSN) _____

Certification of Applicant: I attest that the information provided for this document is true and accurate, and understand that the information, if misrepresented, or incomplete, may be grounds for immediate termination and/or penalties as specified by law. _____

Eligibility Verification by Telephone

Eligibility Criterion to be Verified _____

Agency Providing Information _____

Date and Time of Verification _____

Telephone Number of Agency Providing Verification _____

I attest that the information recorded by me on this document is accurate, and was obtained through telephone contact on the above date. As indicated, all information was obtained from data previously determined and recorded in the applicant's records at the agency providing the eligibility verification.

Signature of Staff Person Staff Person Printed Name Date

Attachment C
NOTARY CERTIFICATION FORM

Identifying Information

Applicant's Name _____
 Last First MI

Address _____

Social Security Number _____

I HEREBY CERTIFY UNDER PENALTY OF PERJURY, THAT THE FOLLOWING INFORMATION IS TRUE:

I ATTEST THAT THE INFORMATION STATED ABOVE IS TRUE AND ACCURATE, AND UNDERSTAND THAT THE ABOVE INFORMATION, IF MISREPRESENTED, OR INCOMPLETE, MAY BE GROUNDS FOR IMMEDIATE TERMINATION AND/OR PENALTIES AS SPECIFIED BY LAW.

Applicant Signature

Phone Number

The above notary-certification is being utilized for verification of the following eligibility criteria:

I notarize that the individual whose signature appears above provided the above information recorded on this form.

Notary Public

Date

Notary Seal