

MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY
State Policy Number 13, Revision 3
YOUTH ELIGIBILITY POLICY
Workforce Innovation and Opportunity Act (WIOA)

I. SCOPE AND PURPOSE

The purpose of this policy is to provide guidance to the local workforce development boards and state subgrantees for use in developing policies and/or procedures for youth eligibility. Each Local Workforce Development Board (LWDB) or state subgrantee shall have appropriate procedures to ensure that only eligible individuals are served in programs funded under Title I of the Workforce Innovation and Opportunity Act (WIOA).

WIOA sections 3(18) and 129 (a) (1) (B) and (C) describe eligibility for the Title I youth formula-funded program, which includes two groups: In-School Youth (ISY) and Out-of-School Youth (OSY), and establishes specific criteria for each group. In addition, the Notice of Final Rulemaking, 20 CFR Part 681.220 provides additional clarification that should be considered when determining eligibility. The eligible WIOA Title I youth population represents youth who face challenges and barriers to success in the labor market.

II. REQUIREMENTS

Local Workforce Development Boards, in consultation with chief elected officials, must establish WIOA Title I eligibility policies and procedures consistent with the guidance provided herein.

The following provisions of WIOA shall apply when determining eligibility to participate in Title I youth programs funded by WIOA.

Youth eligible for services must be U. S. citizens or otherwise legally entitled to work in the U.S. and registered for selective service, if applicable. WIOA establishes separate criteria for Out-of-School Youth and In-School Youth.

A. Out-of-School Youth is defined as an individual who is:

- 1) Not attending any school (as defined under State law). In addition, WIOA includes a new criterion: a youth who is within the age of compulsory school attendance but has not attended school for at least the most recent school year calendar quarter. Because school districts differ in what they use for school year quarters, the time period of a school year quarter is based on how a local school district defines its school year quarter.

NOTE: State law does not define **not attending** school.

- 2) Not younger than 16 or older than 24 at the time of enrollment; **and** meets one of the following conditions:
 - School Dropout;
 - 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)).

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

- 1) Attending school (as defined by State law);
- 2) 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;
- 3) Low-income; **and**
- 4) Meets one or more of the following conditions:
 - Basic Skills Deficient
 - An English Language Learner
 - An Offender

- 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.
- Pregnant or parenting
- An individual with a disability
- Requires additional assistance to complete an educational program or to secure or hold employment.

C. Definitions

- 1) Youth Requiring Additional Assistance to enter or complete an educational program or to secure and hold employment is defined as an In-School Youth (ISY) or Out-of-School Youth (OSY) who is low income **and** meets one of the following documented criteria:

- Lacking relevant work experience to secure or hold employment;
- Lacking a credential related to local or regional targeted sectors;
- In need of an ITA to complete the Smart Start or Career Technical Pathway; or
- Criteria defined by the Local Workforce Development Board and included in the local area plan.

The list below contains examples Local Workforce Development Areas (LWDAs) can use during the eligibility process if a youth participant “Requires Additional Assistance”.

- Has a court/agency referral mandating school attendance (ISY);
- A victim of or resides in an abusive environment;
- Has neither the work experience nor the credential required for an occupation in demand for which training is necessary and will be provided (OSY)
- Has been fired from a job within six (6) months (or longer) prior to application (OSY);
- Has never held a full-time job (30+ hours per week) for more than thirteen (13) consecutive weeks (OSY);
- Has a currently incarcerated parent; and
- Has been referred to or treated by an agency for substance abuse/ psychological problems.

If a Local Workforce Development Area (LWDA) elects to include additional criteria as a part of its policy and local plan; the criteria must be approved by the Local Workforce Development Board. The criteria must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively required additional assistance. Supporting

documentation and/or strong case notes are necessary when documenting all eligibility criteria.

Note: WIOA Section 129(a)(3)(B) states that in each local area, not more than five percent (5%) of ISY assisted may be eligible based on paragraph (1)(C)(iv)(VII), which refers to the barrier for an ISY who requires additional assistance to complete an education program or to secure or hold employment.

2) Low income is defined as in individual who:

- Receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;
- Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved (inclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of—
 - the poverty line, for an equivalent period; or
 - 70 percent of the lower living standard income level, for an equivalent period;
- Is a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
- Qualifies as a homeless individual, as defined in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- Is a foster child on behalf of whom State or local government payments are made; or
- Is an individual with a disability whose own income meets the requirements of (3b).
- WIOA contains a new provision that allows for youth living in a high-poverty area to automatically meet the low-income criterion that is one of the eligibility criteria for ISY and for some OSY.
- In addition, an ISY who receives or is eligible to receive free or reduced price lunch would meet the low-income requirement.

Note: When a school does not use individual eligibility criteria to determine who is eligible for free or reduced price lunch, whole school receipt of free or reduced price lunch cannot be used to determine WIOA low-income status for ISY. In schools where the whole school automatically receives free or reduced price lunch, WIOA programs must base low-income status on an individual

student's eligibility to receive free or reduced price lunch or on meeting one of the other low-income categories under WIOA.

Local programs can check with their local school districts for determining whether individual students are eligible to receive free or reduced price lunch. While the free/reduced lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY.

If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualification.

D. Exception to Low Income

WIOA Section 129(3)(A)(ii) allows local areas to serve youth who are not low income who meet all other criteria listed for OSY and ISY except low income. However, because not all OSY are required to be low-income, the five percent (5%) low-income exception under WIOA is calculated based on five percent (5%) of newly enrolled youth in a given program year who would ordinarily be required to meet the low-income criteria.

E. Documentation

Local Boards must maintain documentation that demonstrates a youth's eligibility to participate in WIOA Title I activities. Please note as stated in TEGL 23-19, Change 1 that self-attestation is an acceptable source documentation. However, the use of self-attestation is allowable to document those items that are not verifiable or are readily available. The applicant's difficulty in obtaining documentation does not need to entail undue hardship to justify using an applicant's self-attestation. If self-attestation is used, LWDBs must document attempts made to collect the required information prior to the need for a self-attestation.

Note: Once enrolled in the program, LWDBs should assist the participant in obtaining the required documents. This can be done through the use of supportive service funds.

III. PROGRAM SERVICE ELEMENTS

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.

Providers of youth services 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 Boards 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. Local Boards may leverage partner resources to provide program elements that are available in the local area. If a local program does not fund an activity with WIOA Title I youth funds, the local area **must** have an agreement in place with the partner to offer the program element and ensure that the activity is closely connected and coordinated with the WIOA youth program if enrolled youth participate in the program element.

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 occupations in the local area;
- 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.

IV. ASSESSMENTS

WIOA requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. LWDAs and subgrantees may use previous basic skills assessment results if assessments have been conducted within the past six months. While this continues to be true, state and/or local programs may use previous assessments older than six months, but not older than eighteen months if they are deemed appropriate and if there is a state/local policy in place that allows the use of such assessments.

It is important that assessments do not serve as a deterrent to program enrollment. In addition, it is critical that local programs incorporate the results of the objective assessment into a participant's Individual Service Strategy and the services, such as career counseling, that a participant receives.

V. 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 (ISS) or *MS Works* Success plan. Local Workforce Development Boards are encouraged to adopt and implement the *MS Works* Career Pathways model.

This model is an integrated compendium of programs and services intended to develop basic, technical and employability skills; provide continuous education and training; and work supports that lead to high-demand jobs in targeted sectors. Youth's ISS should be updated at a minimum of every six (6) to twelve (12) months.

VI. EFFECTIVE DATE

This policy shall be effective immediately. This policy will be revised and reissued as additional DOL/ETA guidance is received.

DocuSigned by:

Robin Stewart

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Robin Stewart

Deputy Executive Director

Date