TO: TCWIB Service Providers and TCWID Staff

SUBJECT: Guidance for Determining In-School or Out-of-School Youth Status

EXECUTIVE SUMMARY

Purpose:
The purpose of this bulletin is to provide additional information that will assist staff in making a determination of whether a youth is “in-school” or “out-of-school” at the time of registration for Workforce Investment Act (WIA) Title I-B Youth Services.

Scope:
This bulletin applies to all individuals completing eligibility for WIA Title I-B Youth Services.

Effective Date:
This bulletin is effective upon date of issue.

References:
- Workforce Investment Act of 1998, Section 101(33) & (39)
- U.S. Department of Labor (DOL), Training and Employment Guidance Letter No. 14-00, Change 1, Attachment G, November 19, 2001
- State of California Workforce Investment Division, WIA Eligibility Technical Assistance Guide (TAG), January 2002
- Tulare County Workforce Investment Board, Inc., WIA Title I-B Eligibility TAG (Draft approved by TCWIB)

TULARE COUNTY WORKFORCE INVESTMENT BOARD, INC. (TCWIB) – IMPOSED REQUIREMENTS:
This bulletin contains TCWIB-imposed requirements. These requirements are in **bold, italic print.**

FILING INSTRUCTIONS:
Retain this bulletin until further notice.

BACKGROUND:
The Workforce Investment Act and the WIA Regulations both define the term “out-of-school youth “ as: (A) an eligible youth who is a school dropout; or (B) an eligible youth who has either graduated from high school or holds a GED (or equivalent), but is basic skills deficient, unemployed, or underemployed. An individual’s in-school or out-of-school status is determined at the time of application (eligibility) for WIA Youth Services. An accurate determination of school status is essential because WIA further specifies that each local workforce investment area shall, at a minimum, expend 30% of the funds allocated for WIA youth services to provide activities to out-of-school youth.

DOL and the California Workforce Investment Division have recently issued guidance that provides further clarification of the definitions of in-school and out-of-school youth. These revised definitions and other related terms are contained in this bulletin. **Highlighted** text indicates significant changes in definitions.
POLICY AND PROCEDURES:

Careful consideration should be paid to the revised definitions of in-school and out-of-school youth when recruiting targeted populations, as the required out-of-school youth expenditures may be effected. Bear in mind that individuals 18-21 years of age may be eligible for Adult services and all individuals can access self-directed services through the Employment Connection system. Therefore, individuals 18-21 years of age that are high school graduates and do not meet the definition of out-of-school youth may be more appropriately served by a referral to Adult services. Should these individuals be registered for WIA program services, please make a notation on the bottom of the application form that their educational status is “high school graduate/in-school youth”.

Apply the following definitions when making a determination of whether the status of a youth is in-school or out-of-school at the time of application (eligibility) for WIA Title I-B services.

OUT-OF-SCHOOL YOUTH: “All eligible youth except those who are attending any school and have not received a secondary school diploma or its recognized equivalent and except those who are attending post-secondary school and are not basic skills deficient.” [References: WIA Section 101(33) and TEGL 14-00 Change 1]

In other words, an out-of-school youth is an eligible youth who is in any one of the following categories.

1. A youth who is a high school dropout. This is always an out-of-school youth.
2. A youth who is a high school graduate (attained diploma or equivalent), not attending post-secondary education (college) but is basic skills deficient or unemployed or underemployed. Ask yourself if this youth is basic skills deficient or unemployed or underemployed? If the answer to any one of the three questions is yes, this is an out-of-school youth.
3. A youth who is a high school graduate (attained diploma or equivalent), attending post-secondary education (college) and is basic skills deficient. A high school graduate, attending college must be basic skills deficient to be classified as an out-of-school youth.

IN-SCHOOL YOUTH: An in-school youth is an eligible youth that is in any one of the following categories.

1. A youth who has not received a diploma/equivalent and is attending any school (including elementary, intermediate, junior high school, secondary, post-secondary, or alternative school. This is an in-school youth.
2. A youth who is a high school graduate (attained diploma or equivalent), attending post-secondary education (college) and is not basic skills deficient. A high school graduate, attending college who is not basic skills deficient is an in-school youth, even though the youth may be unemployed or underemployed.
3. A youth who is a high school graduate (diploma or equivalent), not attending post-secondary education (college) and is not basic skills deficient or unemployed or underemployed. If a high school graduate is not attending college and is not basic skills deficient or unemployed or underemployed then this is an in-school youth by default. When considering whether youth in this category are in need of WIA youth services, please remember that the TCWIB’s priority of service is “those most in need”. Justification for enrolling these youth in WIA youth services must be fully supported and documented in case notes.

SCHOOL DROPOUT: The term “school dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools are not school dropouts. A youth’s dropout status is determined at the time of application (eligibility) and remains in effect throughout her/his participation. An individual who is out-of-school at the time of application (eligibility) and subsequently enrolled in an alternative school, may be considered an out-of-school youth for purposes of the 30 percent expenditure requirement for out-of-school youth. [Reference: WIA Section 101(39) and Title 20 CFR Sections 664.300 & 664.310]
BASIC SKILLS DEFICIENT: The term “basic skills deficient” refers to an individual that:

1. Computes or solves problems, reads, writes, or speaks English at or below the 8th grade level on a generally accepted standardized or criterion-referenced test. Grade level scores below 9.0 (e.g., 8.9) should be considered as at or below the 8th grade level. Basic skills testing may include all of the areas cited above but must at a minimum include testing in English reading and math; or

2. Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society. [Reference TCWIB, WIA Title I-B Eligibility TAG for additional information]

EMPLOYED: An employed individual is one who, during the 7 consecutive days prior to completing application (eligibility), did any work at all as a paid employee, in her/his or own business, profession or farm, worked 15 hours or more as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job. [Reference TCWIB, WIA Title I-B Eligibility TAG]

UNEMPLOYED: An unemployed individual is one who did not work during the 7 consecutive days prior to application (eligibility), who made specific efforts to find a job within the past 4 weeks prior to application, and was available for work during the 7 consecutive days prior to application. Also included as unemployed are those who did not work, and (a) were waiting to be called back to a job from which they had been laid off, or (b) were waiting to report to a new wage or salary job scheduled to start within 30 days. [Reference TCWIB, WIA Title I-B Eligibility TAG]

UNDEREMPLOYED: When determining an out-of-school youth’s “underemployed” status the following definition shall be applied: An individual who is working part time but desires full time employment, or is working in employment not commensurate with the individual’s demonstrated level of educational and/or skill achievement. [Reference TCWIB, WIA Title I-B Eligibility TAG]

ACTION: Bring this bulletin to the attention of all appropriate staff.

INQUIRES: Please direct questions about this bulletin to Eldonna Caudill, Senior Program Analyst, TCWID (559) 713-5224, ecaudill@tcwib.org, or Diane King, Program Analyst, TCWID (559) 713-5227, dking@tcwid.org.
The following clarification of “education status” on the WIA Application form will assist youth programs in determining whether expenditure of funds should be categorized under in-school or out-of-school expenditures.

1. **STUDENT, H.S. OR LESS:** The client is not a high school graduate (or equivalent) and is attending any school (including elementary, intermediate, junior high school, secondary or postsecondary, or alternative school) or is between school terms and intends to return to school. *This is an in-school youth.*

2. **STUDENT, ATTENDING POST – H.S.:** The client is a high school graduate (or equivalent) and is attending a postsecondary school (college), or is between school terms and intends to return to school.

   (a) *A youth who is a high school graduate (attained diploma or equivalent), attending post-secondary education (college) and is basic skills deficient is an out-of-school youth.*

   (b) *A youth who is a high school graduate (attained diploma or equivalent) attending post-secondary education (college) and is not basic skills deficient is an in-school youth.*

3. **OUT-OF-SCHOOL, H.S. DROPOUT:** The client is not attending any school and is not a high school graduate. *A youth who is a high school dropout is always an out-of-school youth.*

4. **OUT-OF-SCHOOL, H.S. GRAD, EMPLOYMENT DIFFICULTY:** The client is not attending any school, is a high school graduate (or equivalent) and is basic skills deficient or unemployed or underemployed. *This is an out-of-school youth.*

5. **OUT-OF-SCHOOL, H.S. GRAD, NO EMPLOYMENT DIFFICULTY:** The client is not attending any school, is a high school graduate and is not basic skills deficient and not unemployed and not underemployed. *This is an in-school youth by default.*