

WORKFORCE INVESTMENT BOARD OF TULARE COUNTY WORKFORCE INNOVATION AND OPPORTUNITY ACT TITLE I	DATE: June 13, 2018
	SUBJECT: Revised WIOA Youth Requirements

WIB DIRECTIVE

TUL 18-02

APPROVED BY
WORKFORCE INVESTMENT BOARD
MINUTES OF 06-13-2018

TO: WIB Service Providers
WIB Staff

SUBJECT: REVISED WIOA YOUTH PROGRAM REQUIREMENTS

EXECUTIVE SUMMARY

Purpose

This policy provides guidance and establishes procedures regarding the activities associated with the *Workforce Innovation and Opportunity Act* (WIOA) Title I youth program. This policy supersedes TUL 15-07, WIOA Youth Requirements.

WIOA became law on July 22, 2014. Operational implementation of the WIOA youth program began July 1, 2015, with all provisions taking effect July 1, 2016. The WIOA Final Rule, covering the Title I youth formula program became effective on October 18, 2016.

Scope

This directive applies to the Local Workforce Development Board (local board), Local Workforce Development Area (local area), and all Providers of Workforce Innovation and Opportunity Act (WIOA) Title I funded youth services.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- WIOA (Public Law 113-128) Sections 3, 107, 116, 123, 128, and 129
- *Workforce Investment Act* (WIA) (Public Law 105-220) Sections 101 and 129
- Title 2 *Code of Federal Regulations* (CFR) Chapter I, Chapter II, Part 200, et. al, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule” (Uniform Guidance)
- Title 2 CFR Part 2900 et al., “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Department of Labor [DOL] Exceptions)
- Title 20 CFR Part 681: “Youth Activities under Title I of the WIOA”
- Title 20 *United States Code* (U.S.C.) Section 1401: “Definitions”
- Training and Employment Guidance Letter (TEGL) [21-16](#), *Third WIOA Title I Youth Formula Program Guidance* (March 2, 2017)
- TEGL [8-15](#), Subject: *Second Title I WIOA Youth Program Transition Guidance* (November 17, 2015)
- TEGL [23-14](#), Subject: *WIOA Youth Program Transition* (March 26, 2015)
- TEGL [19-14](#), Subject: *Vision for the Workforce System and Initial Implementation of the WIOA* (February 19, 2015)

- [TEGL 12-14](#), Subject: *Allowable Uses and Funding Limits of Workforce Investment Act (WIA) Program Year (PY) 2014 funds for WIOA Transitional Activities* (October 28, 2014)
- [TEGL 13-09](#), Subject: *Contracting Strategies That Facilitate Serving the Youth Most In Need* (February 16, 2010)
- California *Education Code* (EC) Sections 47612.1, 58500, and 66010
- California Unemployment Insurance Code Section 14209
- Workforce Investment Board [TUL15-07](#), WIOA Youth Program Requirements, December 15, 2015
- Workforce Services Directive [WSD16-1](#), WIOA Youth Program Requirements, September 16, 2016
- Workforce Services Directive [WSD17-07](#), January 16, 2018, WIOA Youth Program Requirements
- Workforce Services Information Notice WSIN17-22, January 10, 2018

WIB-IMPOSED REQUIREMENTS

This directive contains some WIB-imposed requirements. These requirements are indicated by ***bold, italic type***.

FILING INSTRUCTIONS

This directive supersedes TUL 15-07, dated December 15, 2015. Retain this directive until further notice.

BACKGROUND

Title I of WIOA outlines a broad youth vision that supports an integrated service delivery system and provides a framework for leveraging other federal, state, and local funds. WIOA makes a commitment to providing high-quality services for youth, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training such as pre-apprenticeships or internships for in-demand industries and occupations, and culminating with employment, enrollment in postsecondary education, or training.

The WIOA Section (§ 129 introduces key investments in out of school youth (OSY) and work experience. Specifically, it increases the minimum OSY expenditure rate from 30 percent under WIA to 75 percent under WIOA, and introduces a 20 percent work experience expenditure requirement. Additionally, it adds new program elements, increasing the number of required youth program elements from 10 under WIA to 14 under WIOA.

On August 19, 2016, the DOL issued the WIOA Final Rules. Among other things, the WIOA Final Rules establish a poverty rate of 25 percent for a youth living in a high poverty area, allow Local Boards to directly provide youth services, allow for youth work experiences education and work components to be provided sequentially, and clarify youth program eligibility. The DOL has also published three additional TEGs since 2015 providing further guidance and clarification for the WIOA Title I youth program. Therefore, the state has issued its third iteration of the *WIOA Youth Program Requirements* directive to ensure state guidance is in full alignment with the WIOA Statute, the WIOA Final Rules, TEG 23-14, TEG 8-15, and TEG 21- 16.

Although some of the deadlines for implementation of the WIOA requirements have passed, the Employment Development Department (EDD) retained past deadlines for compliance monitoring purposes.

POLICY AND PROCEDURES

Definitions

For the purposes of this directive, the following definitions apply:

Adult Education – academic instruction and education services below the postsecondary level that increases an individual’s ability to: read, write, and speak in English, and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to postsecondary education and training; and obtain employment (WIOA Section 203).

Alternative school - An alternative school is a type of school designed to achieve grade-level (K12) standards and meet student needs (Ed. Code Section 58500). Examples of alternative schools include, but are not limited to:

continuation, magnet, and charter schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

Attending School - An individual is considered to be attending school if the individual is enrolled in secondary or post-secondary school. If a youth is between high school graduation and postsecondary education, the youth is considered an In-School Youth (ISY) if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However, if the youth registers for postsecondary education, but does not follow through with attending classes, the youth is considered Out-of-School Youth (OSY) if the eligibility determination is made after youth decided not to attend postsecondary education. Youth on summer break are considered ISY if they are enrolled to continue school in the fall (TEGL 21-16).

Not Attending School - An individual who is not attending a secondary or post-secondary school. In addition, individuals enrolled in the following programs would be considered an OSY for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, Job Corps, high school equivalency program, dropout re-engagement programs.
 - A youth attending a high school equivalency program funded by the public K-12 school system who is classified by the school system as still enrolled in school are the exception; the youth would be considered an ISY (Title 20 CFR Section 681.230).
- Non-credit bearing postsecondary classes only (TEGL 21-16).
- *A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded YouthBuild programs, federal Job Corps training or instruction, California Conservation Corps, or a state certified local conservation corps (in alignment with EC Section 47612.1).*

Offender – An adult or juvenile subject to any stage of the criminal justice process or an adult or juvenile who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or convictions or for whom services under WIOA may be beneficial (WIOA Section 3[38]).

Postsecondary School – California community colleges, and accredited public and private universities (EC Section 66010).

School - Any secondary or post-secondary school (20 CFR § 681.230). These include, but are not limited to: traditional K-12 public and private, and alternative (e.g., continuation, magnet, and charter) schools.

School dropout - An individual who is not attending school and who has not received a secondary school diploma or its recognized equivalent. This term does not include individuals who dropped out of postsecondary school.

Secondary School – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12 (Title 20 U.S.C. Section 1401[27]).

Determining School Status

School status is determined at the time the eligibility determination portion of program enrollment is made. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA youth program.

YOUTH ELIGIBILITY CRITERIA

The WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible to participate in the WIOA youth program, an individual must be an OSY or an ISY.

The WIOA § 129(a) (1) provides eligibility criteria for out-of-school (OSY) and in-school youth (ISY). Youth enrolled beginning July 1, 2015 were required to meet the WIOA eligibility criteria. On July 1, 2015, all WIA youth participants who were still enrolled in the WIA youth program were grandfathered into WIOA and youth programs were not

required to re-determine eligibility if the participant had been determined eligible and enrolled under WIA. These participants were allowed to complete the WIA services specified in their individual service strategy (ISS).

Out of School Youth (OSY) Eligibility

In order to receive services as an OSY, an individual must meet the following eligibility criteria:

1. Not attending any secondary or post-secondary school (not including Title II Adult Education, YouthBuild, Job Corps, high school equivalency programs [exceptions in definitions], non-credit bearing postsecondary classes, dropout re-engagement programs **or charter schools with federal and state workforce partnerships**); and
2. Age 16-24 years old; and
3. One or more of the following eligibility barriers:
 - a. A school dropout.
 - b. A youth who is within the age of compulsory school attendance (6-18 years of age), but has not attended school for at least the most recent complete school year quarter. (Note – if the school does not use school year quarters, use calendar quarters.
 - c. A recipient of a secondary school diploma or it's recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner.
 - d. An offender.
 - e. A homeless individual or a runaway.
 - f. 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 for kinship guardianship or adoption; also encompasses youth who were formerly in foster care but may have returned to their families before turning 18; a child eligible for assistance under Section 477 of the *Social Security Act*, or in an out-of-home placement.
 - g. An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers). As long as the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor in to the definition of parenting. A pregnant individual can only be the expectant mother.
 - h. An individual with a disability.
 - i. Transgender and gender non-conforming individuals. (WSIN17-22 and Senate Bill 396)
 - j. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.
(Title 20 CFR Section 681.210)

A youth participant's eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OSY at time of enrollment and is subsequently placed at an alternative school, or any school, is still considered an OSY. Additionally, an individual who is an OSY and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OSY until exited.

Eligibility documentation must be included in the participant's file.

In School Youth (ISY) Eligibility

In order to receive services as an ISY, an individual must meet the following eligibility criteria:

1. Attending school, including secondary and post-secondary schools; and
2. Age 14-21 years old (***due to limited funding, local policy is age 16-21 years old***). A youth with disabilities who is in an individualized education program at the age of 22 may be enrolled as an ISY [TEGL 21-16 and EC 56026]; and
3. Low-income individual.
4. Meets one or more of the following barriers:
 - a. Basic skills deficient.

- b. An English language learner –Defined as an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and (A) whose native language is a language other than English; or (B) who lives in a family or community environment where a language other than English is the dominant language.”
- c. An offender.
- d. A homeless individual or a runaway.
- e. 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 for kinship guardianship or adoption; also encompasses youth who were formerly in foster care but may have returned to their families before turning 18; a child eligible for assistance under Section 477 of the *Social Security Act*, or in an out-of-home placement.
- f. An individual who is pregnant or parenting (custodial and non-custodial parent including non-custodial fathers). As long as the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor into the definition of parenting. A pregnant individual can only be the expectant mother.
- g. Individual with disability.
- h. Transgender and gender non-conforming individuals. (WSIN17-22 and Senate Bill 396)
- i. An individual who requires additional assistance to complete an educational program or secure and hold employment.
(Title 20 CFR Section 681.220)

A youth participant’s eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an ISY and between the ages of **16-21** at the time of enrollment, and is now beyond the age of 21, is still considered an ISY until exited.

Eligibility documentation must be included in the participant’s file.

Serving 18 to 24 Year Old Youth

Individuals who meet the respective program eligibility requirements may participate in WIOA Title I adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. ***Service Providers should determine the best mix of services under the youth and adult programs and co-enroll as appropriate. Co-enrollment requires shared case management and on-going communication between programs.***

School status at time of enrollment may determine which program options are appropriate for this population because young adults who are in school are only eligible for the Title I youth program if they are 21 or younger at the time of enrollment.

Some 18 to 24 year olds may be ready for adult services due to life experiences such as having gained occupational skills through education or training, prior work experiences, adult schedules, family responsibilities, and the participant’s needs. Others need specific youth services covered in the 14 youth program elements based on characteristics such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessments of their skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate program(s) for young adults. If a young adult’s needs can best be met by co-enrollment in the WIOA Title I youth and adult programs, ***“local 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.”***

Low-Income

Only two categories of OSY must be low-income:

1. Youth who have a diploma/equivalent and are basic skills deficient, or an English language learner; and
2. Youth who require additional assistance to enter or complete an educational program or secure and hold, employment.

All ISY must be low-income.

Free or Reduced Price Lunch and High Poverty Area - The definition of low income under WIOA is expanded to include youth who are eligible for a free or reduced-price lunch, under the Richard B. Russell National School Lunch Act, and youth who live in a high-poverty area.

1. Whole school receipt of free or reduced price lunch cannot be used to determine WIOA low-income status for ISY. 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.
2. 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.
3. High poverty area is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data." (20 CFR § 681.260) Local areas may access American Community Survey 5-Year data on the US Census Fact Finder website to determine the poverty rate by entering in the youth participant's zip code. ***www.FactFinder.Census.Gov***

The use of "free or reduced lunch" or "high poverty census tract" for determining income eligibility must be documented in the participant file.

Calculating Income

For income calculation purposes, if an individual is not living in a single residence with other family members, that individual is not a member of a family for the purpose of WIOA income calculations. 20 CFR § 675.300 defines family as "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: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple." When determining a youth's eligibility based on low-income status, Local Areas must do the following:

- Include Unemployment Insurance as income.
- Include child support payments as income.
- For ISY with a disability, consider only the youth's own income rather than their family's income. (TEGL 21-16)

Low-Income Determination

Low income is defined in WIOA § 3(36) as an individual who:

1. Receives, or in the past 6 months has 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), temporary assistance for needy families program (TANF), the supplemental security income program, or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of:
 - the Poverty Guidelines; or
 - 70% of the lower living standard income level (LLISL);
3. Is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))); <https://www.govtrack.us/congress/bills/112/hr4970/text>
4. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act <https://www.fns.usda.gov/sites/default/files/NSLA.pdf>;

5. A youth who lives in a high poverty area is automatically considered to be a low-income individual. High poverty is defined as a county or zip code that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-year data. 20 CFR § 681.260
6. Is a foster child on behalf of whom State or local government payments are made; or
7. Is an individual with a disability - OSY with a disability are not required to be low-income and for ISY with a disability, the youth's own income, rather his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL. 20 CFR § 681.280

Low-Income Exception

WIOA allows a low-income exception where five percent of all WIOA youth participants who ordinarily would need to be low-income do not need to meet the low-income provision. However, the youth must meet all other eligibility criteria, except low-income to be eligible for services.

- The calculation is based on five percent of all youth served in the local area in a given program year.
- ***Programs must have WIB authorization prior to enrollment of ISY if the "low-income exception" is used to determine eligibility. To be considered for "low-income exception", the WIB requires documentation of at least two barriers to complete an educational program or secure and hold employment.***

Requires Additional Assistance

WIOA §129(a) (3) (B) Limitation – Under WIOA, no more than five percent of **ISY** enrolled in a given program year may be found eligible based solely on meeting the criterion, "requires additional assistance". This limitation applies only to ISY. ***It is therefore strongly recommended that the use of "requires additional assistance" as a barrier for ISY be limited to exceptional circumstances. Programs must have WIB authorization prior to enrollment of ISY if their only barrier is "requires additional assistance".***

Local Boards are responsible for establishing local definitions and eligibility documentation requirements for "requires additional assistance" as it relates to both OSY and ISY. The local policy should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance.

The local definition for "requires additional assistance" to complete an educational program or to secure and hold employment, is as follows:

- ***Have repeated at least one secondary grade level or are one year over age for grade.***
- ***Have a core grade point average (GPA) of less than 1.5.***
- ***Are emancipated youth.***
- ***Are previous dropouts or have been suspended five or more times or have been expelled.***
- ***Have received court/agency referrals mandating school attendance.***
- ***Are deemed at risk of dropping out of school by a school official. (Use the youth referral form)***
- ***Have experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional;***
- ***Have never held a job (applies only to OSY)***
- ***Has a personal or family history of seasonal or chronic unemployment (i.e., seasonal farmworker).***
- ***Is a disconnected youth that is neither attending school nor employed.***

Program Expenditures Prior to Participation

There are limited instances where WIOA youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds can be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level) prior to eligibility determination, but they cannot be spent on youth program services, such as the 14 program elements prior to eligibility determination.

Out-of-School Youth

The WIOA shifts the primary focus of youth formula funds to support the educational and career success of OSY. As a result of this shift, the cost per participant under WIOA may increase as many OSY require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program due to the more intensive and costly services for the increased emphasis on the OSY population.

OSY Expenditure Requirement

Local areas must spend at least 75 percent of their WIOA youth formula allocation on youth workforce investment activities for OSY. The OSY expenditure rate is calculated after subtracting funds spent on administrative costs. (WIOA § 129(a)(4))

The following example illustrates how a Local Area would calculate its 75 percent OSY expenditure requirement.

Youth Formula Allocation	Administration Costs	Youth Program Expenditure	75 Percent Requirement
\$2,000,000	\$180,000	\$1,820,000	\$1,365,000

WORK EXPERIENCE

The WIOA places a priority on providing youth with occupational learning opportunities through work experience.

Work Experience Criteria

Work experience provides an invaluable opportunity to develop workplace skills. Paid and unpaid work experiences must include academic and occupational education and may include the following types of work experiences:

- Summer and year-round employment opportunities - Local Areas have the flexibility to decide which work experiences are provided as long as the Local Area spends at least 20 percent of their WIOA youth formula allocation on work experience (Title 20 CFR Section 681.620).
- Pre-apprenticeship programs - Pre-apprenticeship is a program designed to prepare individuals to enter and succeed in an apprenticeship program. Pre-apprenticeship programs include the following elements:
 - Training and curriculum that aligns with the skill needs of employers in the economy of the state or region involved.
 - Access to educational and career counseling and other supportive services, directly or indirectly.
 - Hands-on, meaningful learning activities that are connected to education and training activities.
 - Opportunities to attain at least one industry-recognized credential.
 - A partnership with one or more registered apprenticeship programs that assists in placing individuals who complete the pre-apprenticeship program in a registered apprenticeship program (Title 20 CFR Section 681.480).
- Internships and Job shadowing - Job shadowing is a temporary, unpaid exposure to the workplace in an occupational area of interest to the participant and may last anywhere from a few hours to a week or more (TEGL 21-16).
- On-the-job training (OJT) opportunities. OJT means training by an employer that is provided to a paid participant while engaged in a job that meets the following criteria: **requires co-enrollment with WIOA Adult programs)**
 - Provides knowledge or skills essential to the full and adequate performance of the job.
 - Is made available through a program that provides reimbursement to the employer to 50 percent of the wage rate of the participant or up to 75 percent in circumstance of extraordinary costs of providing the training and additional supervision related to the training.
 - Is limited in duration to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant as appropriate (WIOA Section 3[44]).

The academic and occupational education component refers to contextual learning that accompanies a work experience. It includes the information necessary to understand and work in specific industries or occupations. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament.

Local programs have the flexibility to determine the appropriate type of academic and occupational education necessary for a specific work experience. Further, Local Areas may decide who provides the academic and occupational education component. The academic component may take place inside or outside the work site, and the work experience employer may provide the academic and occupational education component or such components may be provided separately in the classroom or through other means (TEGL 21-16).

Youth formula funds may be used to pay a participant’s wages and related benefits for work experience in the public, private, for-profit or non-profit sectors when the participant’s objective assessment and individual service strategy indicate that a work experience is appropriate.

Additionally, youth formula funds may be used to pay wages and staffing costs for the development and management of work experience. Allowable expenditures beyond wages may include the following:

- ***Staff time spent identifying potential work experience opportunities.***
- ***Staff time working with employers to develop the work experience.***
- ***Staff time spent working with employers to ensure a successful work experience.***
- ***Staff time spent evaluating the work experience.***
- ***Orientation sessions for participants and employers.***
- ***Employability skills/job readiness training to prepare youth for a work experience.***

Supportive services are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.

Local Policy (TUL 14-02, Youth Work Experience Policy)

Local Boards must establish local policies regarding work experience. At a minimum, these policies need to address the following:

- The duration of the work experience assignment.
- Limitations on the number of hours.
- Appropriate incentives and stipends, including limitations on the types and dollar amount.

The WIOA youth provisions went into effect July 1, 2015. Local Boards were required to begin implementing the work experience requirements July 1, 2015, and establish local policy and procedures for work experience no later than January 1, 2016.

Work Experience Expenditure Requirement

Local areas must spend at least 20 percent of their WIOA youth formula allocation on work experience. The work experience expenditure rate is calculated after subtracting funds spent on administrative costs. Additionally, the expenditure rate is not applied separately for ISY and OSY. CFR § 681.590

The following example illustrates how a Local Area would calculate its 20 percent work experience expenditure requirement.

Youth Formula Allocation	Administration Costs	Youth Program Expenditure	20 Percent Work Experience Requirement
\$2,000,000	\$180,000	\$1,820,000	\$364,000

PERMISSIBLE USE OF YOUTH FUNDS

Individual Training Accounts (ITA)

In order to enhance individual participant choice in their education and training plans and provide flexibility to Local Areas, Local Areas may use youth funds for Individual Training Accounts (ITA) for OSY between the ages of 16 to 24. When using youth funds for ITAs, only training providers on the Eligible Training Provider List can be used. To initiate an ITA, youth programs must contact the Employment Connection AJCC in their area for ***co-enrollment into WIOA Adult programs.***

Braiding Funds

Braiding funds is the process of using different funding streams to support different needs for the same participant while maintaining documentation to support the charging and allocations of cost to the separate funds. Local Areas may use braided funds to provide more comprehensive services to participants and maximize partner resources available to assist youth. Braiding funds must meet the following criteria:

- The cost to each funding stream is tracked, documented, and allocated based on the proportional benefit.
- The cost benefits of two or more programs in proportions that can be determined without undue effort or cost.
- The youth meets the eligibility requirements for each program from which they are receiving funds.

An example is when the WIOA Title I youth program and the WIOA Title II adult education program are used to serve eligible youth. The WIOA Title I resources can provide career guidance, work experiences, and leadership development, while the WIOA Title II resources can provide adult education and literacy activities. (TEGL 21-16) (TEGL 21-16)

Incentives

Local Areas may provide incentive payments to youth participants for recognition and achievement directly tied to training activities and work experiences. When offering incentive payments, Local Areas must do the following:

- Tie the incentive to the goals of the specific program.
- Outline in writing the incentive before the commencement of the program providing the payment.
- Align the incentive with the local program's organizational policy.
- Meet the requirements in 2 CFR part 200.

(Title 20 CFR Section 681.640)

Youth Standing Committee

Youth councils are not required under WIOA; however, local boards may continue to operate a youth council as a standing committee. A youth standing committee could serve to provide information and to assist with planning, policy development and other issues relating to the provision of services to youth. The youth standing committee membership must include: (1) a member of the local board, who must chair the committee, (2) members of community based organizations with a demonstrated record of success in serving eligible youth, and (3) other individuals with appropriate expertise and experience who are not members of the local board. The committee may also include parents, participants, and youth.

The WIB is still responsible for conducting the oversight of youth activities under WIOA Section 129(c) and identifying eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis. (Title 20 CFR Sections 681.100 - 681.120)

When appointing members to a Youth Standing Committee the Local Board and the local chief elected official shall endeavor to appoint:

- Representatives of youth who are enrolled ISY and OSY
- Representatives from the private sector
- Representatives of local education agencies serving with youth
- Representatives of private nonprofit agencies serving youth
- Representatives of apprenticeship training programs serving youth

Procurement of WIOA Youth Service Providers

Local Boards may directly provide some or all of the youth workforce service activities. If a Local Board serves as the youth service provider and performs other roles such as fiscal agent or AJCC Operator, the Local Board must have appropriate firewalls in place between the staff providing services, the staff responsible for oversight and monitoring of services, and the Local Board. The firewalls must conform to Title 20 CFR Section 679.430 for demonstrating internal controls and preventing conflicts of interest.

The WIB awards grants or contracts to youth service providers through a competitive process that does the following:

- ***Takes into consideration the ability of the youth service provider to meet performance accountability measures.***
- ***Meets the procurement standards specified in Uniform Guidance and the DOL Exceptions.***
- ***Follows state and local procurement laws.***

Local boards must ensure that all RFPs and youth service provider contracts incorporate WIOA provisions by July 1, 2017. ***The local procurement policy may be found at <http://www.tularewib.org>, (Resources, Policies and Procedures), Workforce Investment Board of Tulare County Procurement Policy.***

Local Boards must also identify youth service providers based on criteria in the State Plan (Title 20 CFR Section 681.400). The State Plan establishes that Local Boards should select service providers that do the following:

- Employ proven recruitment strategies of effective outreach, engagement, enrollment, and retention of OS youth.
- Demonstrate meaningful partnerships with eligible training providers, institutions of higher education, and employers from in-demand industries.
- Offer a continuum of services that allow participants to obtain a GED/High School diploma, enroll into postsecondary education, and obtain employment within their chosen career path.
- Utilize career pathways and sector strategy models with a structured sequence of activities, as well as multiple entry and exit points that provide adequate supportive services.
- Use structured work-based learning, such as paid and unpaid work experiences and career exploration that leads to gainful employment.
- Provide intensive case management and support services to help youth overcome complex barriers, successfully complete the program, and retain employment.

Local Boards may do the following:

- Award youth service provider contracts on a sole source basis where the Local Board determines there is an insufficient number of eligible youth providers in the Local Area.
- Assign the function of selecting service provider contracts to the standing youth committee (if the Local Board has established a standing youth committee).

When the Local Board awards a grant or contract to a youth service provider who also fulfills another role in the Local Area, a written agreement with Local Board and the Chief Elected Official must provide clarity on the expectation for those roles and clear methods of tracking execution and accountability for the distinct roles.

PROGRAM DESIGN FRAMEWORK

A program design framework consists of an objective assessment, an individual service strategy, case management, program elements, and follow-up services that lead toward successful outcomes for youth participants (WIOA § 129[c] [1]).

Objective Assessment (OA)

The WIOA youth program design requires an objective assessment of the 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. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement. The objective assessment establishes a baseline for all activities and training. It will also act as the foundation for development of goals (i.e. educational, employment, credential attainment, etc.), identifying the appropriate mix of services, identifying career pathways, and informing the individual service strategy.

When assessing basic skills, local programs must use assessment instruments that are valid and appropriate (i.e., CASAS) for both the pre and post-test to determine an individual's educational functioning level. Programs must also provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

Programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

Career-Related Assessments

All youth, including youth with disabilities, benefit from participation in career assessment activities. Multiple assessment tools may be necessary since there is no standard approach that will work for all youth, including youth with disabilities. Career assessments help youth, including those with disabilities, understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes, and skills) affect their potential success and satisfaction with different career options and work environments. Youth also need access to reliable labor market information about career opportunities that provide a living wage, including information about education, entry requirements, and income potential. Youth with disabilities also may need information on benefits planning, workplace supports (e.g., assistive technology) and accommodations, and also may benefit from less formalized career-related assessments.

Individual Service Strategy (ISS)

Based on the results of the objective assessment, an ISS will be mutually developed between each participant and his/her case manager. The ISS is a written plan of action that identifies age-appropriate short and long-term goals that include career pathways, education and employment goals, and service needs. The ISS must directly link activities / services to one or more indicators of performance (TRAINING AND EMPLOYMENT GUIDANCE LETTER No. 10-16, Employment & Training Administration (ETA) - U.S. Department of Labor). ***The WIB considers the ISS a living document that requires on-going review of the progress of each participant in meeting their goals and updating the plan as needed. As new objectives or service needs are identified they shall be incorporated into the plan.***

Program Elements

The WIOA § 129(c)(2) includes 14 program elements that must be available in local areas for WIOA youth participants. 20 CFR § 681.460 provides further explanation of some of the elements, but not all. Additionally, there is overlap between portions of some program elements. The following further clarifies the 14 program elements and explains the services to be reported under each specific program element. Attachment A, of this document, provides an

overview and easy reference for finding applicable program element citations and identifies which program elements relate to one another.

Local Areas are not required to provide all 14 required elements to each participant. Local Areas have the flexibility to determine which specific services a youth will receive based upon the youth’s assessment and service strategy. Local Boards, however, must ensure that all 14 program elements are available in their Local Area.

The table below provides a list of the 14 youth program elements, identifies which program elements relate to one another, lists the DOL Participant Individual Record Layout (PIRL) data element, and provides federal citations where the program element requirements are described. In addition, the program elements are hyperlinked to the WorkforceGPS Youth Connections corresponding webpage. The Youth Connection webpage provides additional materials and resources to help service providers deliver youth services.

WIOA Youth Program Element	Relates to or Overlaps with Other Program Element(s)	Program Description Citation
1. Tutoring, study skills training, instruction, and dropout prevention	Program elements 2 and 4	TEGL 21-16
2. Alternative secondary school services or dropout recovery services	Program element 1	TEGL 21-16
3. Paid and unpaid work experiences		Title 20 CFR Sections 681.600, 681.590, 681.480 and TEGL 21-16
4. Occupational skills training	Program element 1	Title 20 CFR Sections 681.540, 681.550 and TEGL 21-16
5. Education offered concurrently with workforce preparation and training for a specific occupation	Program elements 2, 3, and 4	Title 20 CFR Section 681.630 and TEGL 21-16
6. Leadership development opportunities		Title 20 CFR Sections 681.520, 681.530 and TEGL 21-16
7. Supportive services		Title 20 CFR Section 681.570 and TEGL 21-16
8. Adult mentoring		Title 20 CFR Sections 681.490 and TEGL 21-16
9. Follow-up services	Program elements 7, 8, 11, 13, and 14	Title 20 CFR Section 681.580 and TEGL 21-16
10. Comprehensive guidance and counseling		Title 20 CFR Section 681.510 and TEGL 21-16
11. Financial literacy education		Title 20 CFR Section 681.500 and TEGL 21-16
12. Entrepreneurial skills training		Title 20 CFR Section 681.560 and TEGL 21-16
13. Services that provide labor market information		Title 20 CFR Section 651.10 and TEGL 21-16
14. Postsecondary preparation and transition activities		TEGL 21-16

1. **Tutoring, Study Skills Training, Instruction, And Dropout Prevention** that lead to a high school diploma or its equivalent, including a recognized certificate of attendance or similar document for individuals with disabilities.
 - Services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies.
 - Program element 1 also includes secondary school dropout prevention strategies that keep a youth in school and engaged in formal learning or training. These activities include, but are not limited to, tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction (TEGL 21-16).

2. **Alternative Secondary School Services, Or Dropout Recovery Services** include alternative secondary school services that assist youth who have struggled in traditional secondary school education, are reported under program element 2. These services include, but are not limited to, basic education skills training, individualized academic instruction, and English as a Second Language training.

Program element 2 also includes dropout recovery services aimed at getting youth who have dropped out of secondary education back into a secondary school or alternative secondary school/high school equivalency program (TEGL 21-16). Examples of these services include credit recovery, counseling, and educational plan development. While there is some overlap with dropout prevention strategies (program element 1), the activities within both program elements are provided with the goal of helping youth re-engage and persist in education that leads to the completion of a recognized high school equivalent.

3. **Paid and Unpaid Work Experiences** are planned, structured learning experiences that take place in a workplace for a limited period of time. Work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Work experience is covered in detail on pages 8 and 9 of this directive.

4. **Occupational Skill Training (OST)** is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Priority consideration must be given to training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations. Such training must:
 - Be outcome-oriented and focused on an occupational goal specified in the ISS;
 - Be of sufficient duration to impart the skills needed to meet the occupational goal; and
 - Lead to the attainment of a recognized postsecondary credential.

WIOA allows Individual Training Accounts (ITAs) for OSY, ages 16 to 24, using WIOA youth funds. ISY cannot use youth program-funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program. (TEGL 21-16)

ITAs allow participants the opportunity to choose the training provider that best meets their needs. To receive funds from an ITA, the training provider must be on the Eligible Training Provider List (ETPL) as outlined in § 680.400 and §680.410. WIB policy requires all youth ITAs (OSY and ISY) to be referred to the One-Stop Provider for co-enrollment into WIOA Adult programs and must follow all WIB policies and procedures related to co-enrollment and OST. OST is expected to result in training related job placement.

5. **Education Offered Concurrently With And In The Same Context As Workforce Preparation Activities And Training For A Specific Occupation Or Occupational Cluster.** This element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to a specific occupation, occupational cluster, or career pathway. While programs developing basic academic skills, which are included as part of alternative secondary school services and dropout recovery services (element 2), workforce preparation activities that occur as part of a work experience (element 3), and occupational skills training (element 4) can all occur separately and at different times (and thus are counted under separate program elements), this program element refers to the concurrent delivery of these services which make up an integrated education and training model.
6. **Leadership Development Opportunities** that encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as: (a) exposure to postsecondary educational possibilities; (b) community and service learning projects; (c) peer-centered activities, including peer mentoring and tutoring; (d) organizational and team work training; (e) training in decision-making, including determining priorities and problem solving; (f) citizenship training, including life skills training such as parenting and work behavior training; (g) civic engagement activities which promote the quality of life in a community; and (h) other leadership activities that place youth in a leadership role. 20 CFR § 681.520
7. **Supportive Services** that enable an individual to participate in WIOA activities. These services include, but are not limited to, the following: ***(a) linkages to community services; (b) assistance with transportation (i.e., bus passes); (c) assistance with educational testing; (d) referrals to health care and legal aid; (e) assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear; (f) assistance with books, fees, school supplies, and other necessary items for students enrolled in postsecondary education classes; and (g) payments and fees for employment and training-related applications, tests, and certifications.***

Reference WIB directive TUL 17-02, WIOA Title I Adult, Dislocated Worker and Youth Supportive Services Policy. This directive sets the local policy and procedures to follow when providing supportive services to eligible WIOA participants. This includes documentation requirements to demonstrate that supportive services are allowable, reasonable, and necessary, and not otherwise available to the participant.

8. **Adult Mentoring** must last at least 12 months and may take place both during the program and following exit from the program and be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop the competence and character of the mentee. While group mentoring activities and mentoring through electronic means are allowable as part of the mentoring activities, at a minimum, the local youth program must match the youth with an individual mentor with whom the youth interacts on a face-to-face basis. Local programs should ensure appropriate processes are in place to adequately screen and select mentors.

DOL acknowledges that in a few areas of the country finding mentors may present a burden to a program. While DOL strongly prefers that case managers not serve as mentors, the final rule allows case managers to serve as mentors in areas where adult mentors are sparse, however, Local Areas are strongly encouraged to find adult mentors who are not case managers (TEGL 21-16).

9. **Follow-Up Services** occur for not less than 12 months following a youth's exit from the program. Services are intended to help ensure the youth is successful in employment and/or postsecondary education and training.

Follow-up services for youth may include: (1) referral for supportive services; (2) adult mentoring; (3) financial literacy education; (4) labor market and employment information, such as career awareness, career counseling;

and (5) assistance with preparation for and transition to postsecondary education and training. Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. (TEGL 21-16)

At the time of enrollment, youth must be informed that follow-up services will be provided for 12 months following exit. If at any point in time during the program or during the 12 months following exit the youth requests to opt out of follow-up services, they may do so. In this case, the request to opt out or discontinue follow-up services made by the youth must be documented in the case file. 20 CFR § 681.580

10. **Comprehensive Guidance and Counseling** provides individualized counseling to participants and may include drug and alcohol abuse counseling, mental health counseling, and referral to partner programs.

Local Areas and youth service providers may directly provide counseling. When a Local Area or youth service provider refers a youth for counseling services that they are unable to provide, the Local Area or service provider must coordinate with the referred counseling organization to ensure continuity of service (TEGL 21-16).

11. **Financial Literacy Education** may include the following:

- Create budgets, open checking and savings accounts, make informed financial decisions;
- Effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards;
- The significance of credit reports and credit scores; rights regarding credit and financial information; determining the accuracy of a credit report and how to correct inaccuracies; and how to improve or maintain good credit;
- Support a participant's ability to understand, evaluate, and compare financial products, services, and opportunities;
- Educate about identity theft, ways to protect against identify theft, how to resolve cases of identity theft, and understand their rights and protections related to personal identity and financial data;
- Support the particular financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials;
- Support the particular financial literacy needs of youth with disabilities, including connecting them to benefits planning and work incentives counseling;
- Provide financial education that is age appropriate, timely, and provides opportunities to put lessons into practice; 20 CFR § 681.500

The [Financial Literacy Guide](#) provides links to financial literacy materials and maps how and why financial institutions engage in helping young people achieve greater financial well-being and employment success.

12. **Entrepreneurial Skills Training** helps youth develop the skills associated with starting and operating a small business. Such skills may include the ability to take initiative, creatively seek out and identify business opportunities, develop budgets and forecast resource needs, understand various options for acquiring capital and the trade-offs associated with each option, and communicate effectively and market oneself and one's ideas. Approaches to teaching youth entrepreneurial skills may include the following:

- Entrepreneurship education that provides an introduction to the values and basics of starting and running a business, such as developing a business plan and simulations of business start-up and operation.
- Enterprise development which provides supports and services that incubate and help youth develop their own businesses, such as helping youth access small loans or grants and providing more individualized attention to the development of viable business ideas.
- Experiential programs that provide youth with experience in the day-to-day operation of a business. (Title 20 CFR Section 681.560)

13. **Services That Provide Labor Market and Employment Information** about in-demand industry sectors or occupations in the local area, such as career awareness, career counseling, and career exploration services.

Career counseling provides advice and support in making decisions about what career path to take and may include providing information about resume preparation, interview skills, potential opportunities for job shadowing, and the long-term benefits of postsecondary education and training. In addition to connecting youth to self-service labor market information (LMI) tools, youth providers should share and discuss state and local LMI with youth participants (TEGL 21-16).

There are numerous tools available to provide information that include: [CalJOBS](#) , [My Next Move](#) , and [Get My Future](#) . 20 CFR § 681.460 (a)(13)

14. **Postsecondary Preparation and Transition Activities** help youth prepare for and transition to post-secondary education and training after attaining a high school diploma or its recognized equivalent. Activities include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeship. Additional services include, but are not limited to: assisting youth to prepare for SAT/ACT testing; assisting with college admission applications; searching and applying for scholarships and grants; filling out the proper Financial Aid applications and adhering to changing guidelines; and connecting youth to postsecondary education programs. 20 CFR § 681.460 (a)(14)

Local areas are not required to provide the 14 required elements to each participant and have the flexibility to determine what specific services a youth will receive based upon the youth’s assessment and service strategy. Local boards, however, must ensure that all 14 program elements are available in their local area.

Case management is the act of connecting youth to appropriate services and not a program element. Case managers providing case management should not be reported as one of the 14 youth program elements in the PIRL.

ACTION

Bring this directive to the attention of staff and other relevant parties.

INQUIRIES

Please direct inquiries regarding this directive to the Workforce Investment Board at (559) 713-5200.



ADAM PECK
Executive Director

AP:EC

- ATTACHMENT A: Summary of Comments, WSD17-07, Employment Development Department
ATTACHMENT B: Frequently Asked Questions, Employment Development Department

Summary of Comments
WSD17-07
State of California Employment Development Department

There were six comments to the draft version of this Directive:

Comments #1-6 – Commenters asked for clarification on credential attainment received through occupational skills training. A number of commenters asked if specific credentials, such as forklift certification, counted toward performance.

Resolution – The Employment Development Department (EDD) removed the section of the Directive on credentials received through occupational skills training. Guidance on credentials and performance go beyond the scope of this Directive. The EDD plans to publish a separate Directive on credentials for the *Workforce Innovation and Opportunity Act* Title I programs.

Frequently Asked Questions State of California Employment Development Department

**Note – Upon issuance of the Workforce Innovation and Opportunity Act (WIOA) Final Rules by the Department of Labor (DOL), the Employment Development Department re-released this directive to provide updated guidance. This Frequently Asked Questions (FAQ) incorporates the public comments received from the previous two WIOA Youth Program Requirements directives that are not addressed in the directive.*

FAQ #1 – Does CalJOBSSM track the number of youth participants by barrier?

Response – Yes, CalJOBSSM reports allow for the tracking of youth participants by barrier. In addition, the system can provide an overview of total youth enrollments by in-school (IS) youth, out-of-school (OS) youth, low-income exception, requires additional assistance limitation, and the corresponding percentages. For more information about accessing reports within CalJOBSSM, please contact the Program Reporting and Analysis Unit at ManagePerformance@edd.ca.gov.

FAQ #2 – The WIOA requires that an individual service strategy must be linked to one or more of the performance indicators. What are the youth performance indicators?

Response – The WIOA Section 116(b)(2)(A)(ii) provides the six indicators of performance for the WIOA youth program. The indicators are: (1) percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program; (2) percentage of program participants who are in an education or training program or in unsubsidized employment in the fourth quarter after exit; (3) median earnings in the second quarter after exit from the program; (4) post-secondary credential attainment and high school completion of program participants who have exited; (5) measureable skill gains; and (6) effectiveness in serving employers.

FAQ #3 – What are the acceptable documentation requirements for the homeless eligibility criteria?

Response – The DOL has not issued Data Element Validation criteria guidance on acceptable documentation for WIOA eligibility; however Local Workforce Development Areas (Local Areas) must collect and retain records to substantiate youth program eligibility. In the interim, acceptable documentation listed on CalJOBSSM for the homeless criterion includes the following:

- A written statement from a shelter.
- A written statement from an individual providing temporary assistance.
- A written statement from a social service agency.
- An applicant statement/self-attestation.
- Self-certification.
- Telephone verification.
- Other applicable documentation, which must be specified.

FAQ #4 – Is subsequent unsubsidized employment obtained by a youth required to be in the same job or career path as the work experience?

Response – The intent of the law regarding the work experience priority is to offer youth work-based learning opportunities focused on career exploration and development of work readiness skills. The law does not mandate youth participants to enter employment or education similar to the work experience activity; however as a best practice, local programs should continue to support the work experience. Examples of this are providing youth with job referrals and/or information on vocational and post-secondary education within the career path.

FAQ #5 – What are the acceptable documentation requirements for the low-income eligibility criteria of the *Richard B. Russell National School Lunch Act* and living in a high poverty area?

Response – The DOL has not issued Data Element Validation criteria guidance on acceptable documentation for WIOA eligibility; however Local Areas must collect and retain records to substantiate youth program eligibility. In the interim, the EDD added acceptable documentation for the low-income criteria, free or reduced price lunch under the *Richard B. Russell National Lunch Act*, and youth living in a high-poverty area in CalJOBSSM, under the Public Assistance portion of the online WIOA application. The acceptable documentation for these new low-income criteria includes the following:

- *Richard B. Russell National Lunch Act*: a letter of eligibility for free or reduce-priced lunch, school documentation, and self-attestation.
- Youth living in a high-poverty area: print out from the ACS 5-year data on the [U.S. Census Fact Finder](#) website showing the participant’s census tract meets the 25 percent poverty rate.

FAQ #6 – Are the costs associated with a work experience reimbursable if the youth did not obtain unsubsidized employment similar to the work experience?

Response – Reimbursement of program costs associated with the work experience is not dependent on the youth participant obtaining unsubsidized employment in a job or career pathway similar to the paid or unpaid work experience. However, Local Areas and youth service providers should ensure that youth participants are placed in work experiences with opportunities to receive education and training in in-demand industries and occupations that lead to good jobs along a career path or enrollment into post-secondary school.

FAQ #7 – Are individuals with disabilities who are 18-24 and attending school programs for specialized academic instruction and assistance learning functional skills considered in-school or out-of-school?

Response – Individuals who are enrolled in an individualized education program at the age of 22 are considered IS Youth. Individuals with disabilities who are 18-24 and attending non-credit bearing courses only are considered OS Youth.

FAQ #8 – Can EDD expand upon the term “enrolled” as it is used in the definition of “attending school?” It is not uncommon for providers to work with participants under the following circumstances:

- The participant has applied for school, but has not yet enrolled in classes.
- The participant has applied and enrolled, but has not yet paid for or attended classes.
- The participant is between semesters (i.e. summer break)

Because a youth participant’s eligibility is determined at intake (a specific point in time), it is possible Local Areas might encounter one of the situations listed above. Are they considered “enrolled” and therefore potentially eligible as an IS Youth or do the examples more closely align with the “not attending school” criteria?

Response - If a youth is between high school graduation and postsecondary education, the youth is considered an IS youth if they are registered for postsecondary education, even if they have not yet begun postsecondary classes. However if the youth registers for postsecondary education, but does not follow through with attending classes the youth is considered OS youth. Youths on summer break are considered IS youth if they are enrolled to continue school in the fall. Because the process of program enrollment can occur over a period of time, school status must be based on status at the time the eligibility determination is made (TEGL 21-16).