




**DISTRICT OF COLUMBIA
WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
WORKFORCE IMPLEMENTATION GUIDANCE LETTER (WIGL)**

DATE: January 24, 2017

NO: DC-WIGL-2017-002-WIOAYouthProgramEligibility

TO: LOCAL WORKFORCE DEVELOPMENT SYSTEM STAKEHOLDERS
AMERICAN JOB CENTERS
WIOA YOUTH SERVICE PROVIDERS
WIOA ELIGIBLE TRAINING PROVIDERS
DEPARTMENT OF EMPLOYMENT SERVICES (DOES)
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION (OSSE)
DEPARTMENT ON DISABILITY SERVICES (DDS)
DEPARTMENT OF HUMAN SERVICES (DHS)

FROM: ODIE DONALD II 
Executive Director, Workforce Investment Council (WIC)

SUBJECT: WIOA TITLE I YOUTH PROGRAM ELIGIBILITY DETERMINATION

1. Purpose.

To provide guidance on youth program eligibility.

2. References.

WIOA Section 3 (46) and 129 (a)(1)(B)
WIOA Section 3 (27) and 129 (a)(1)(C)
WIOA Section 129 (a)(5)
WIOA Section 3 (18)
WIOA Section 3 (36)
WIOA Section 3 (5)
WIOA Section 3 (20)
WIOA Section 129 (a)(2) and 20 CFR 681.260
WIOA Section 129 (a)(3)
WIOA Section 129 (a)(4)
20 CFR 681.430
20 CFR 681.440
20 CFR 681.410
DC Code Section 38-201

DC Code Section 38-202
WIOA Section 129 (c)(1)(A)
Training and Employment Guidance Letter (TEGL) 23-14
DC WIOA Unified State Plan
District of Columbia Workforce Investment Council Policy Manual
Prior DC WIOA Policies
All Policy Guidance to be housed at <http://dcworks.dc.gov>

3. Definitions.

WIGL – Workforce Implementation Guidance Letter
WIC – District of Columbia Workforce Investment Council
DOES – District of Columbia Department of Employment Services
AJC – American Job Center
LWDA – Local Workforce Development Area
LWDB – Local Workforce Development Board (the DC WIC)
WIA – Workforce Investment Act
WIOA – Workforce Innovation and Opportunity Act
USDOL – United States Department of Labor
R – Revised. When updates are made to WIGLs, the R will serve as an indicator that a revision has been made, along with a revision number if multiple adjustments are made.
WIOA Grant Administrator –DOES
OSY – Out-of-School Youth
ISY – In-School Youth
PY – Program Year

4. Background.

The WIC is currently developing policy on youth eligibility. However, the WIC seeks to provide interim guidance prior to the distribution of the policy.

5. Guidance.

The WIOA Grant Administrator must establish WIOA Title I eligibility procedures consistent with the guidance provided herein. In formulating procedures, the WIOA Grant Administrator must specifically address the following WIOA Title I Youth eligibility issues:

- Parameters for the definition of *Requires Additional Assistance*
- The *High-poverty Area* special rule for determination and documentation thereof

This policy guidance is subject to revision as additional guidance is issued from the U.S. Department of Labor.

WIOA TITLE I YOUTH PARTICIPANT ELIGIBILITY: Youth must be eligible to participate in the WIOA Title I Youth Program. WIOA establishes separate criteria for Out-of-School Youth and In-School Youth. An overview of the criteria for both Out-of-School and In-School Youth programs is as follows:

OUT OF SCHOOL YOUTH (OSY): To be provided services under the youth funding stream as an “Out-of-School Youth,” the individual must be:

- Not attending any school (defined under District law as a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor; However, for purposes of WIOA, USDOL does not consider providers of Adult Education under Title II of WIOA, YouthBuild programs, and Job Corps programs to be schools. Therefore, WIOA youth programs may consider a youth to be out-of-school for purposes of WIOA youth program eligibility if he/she is attending Adult Education provided under Title II of WIOA, YouthBuild, or Job Corps.);
- 16-24 years of age at the time of enrollment (because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program); and
- One or more of the following:
 - A school dropout
 - Supposed to be in school but did not attend the last school year calendar quarter (DC compulsory education laws require children between the ages of 5 and 18 to attend school; “school year” means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June)
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual (as defined in WIOA sec. 3 (36)) and basic skills deficient (as defined by WIOA sec. 3 (5)) or an English language learner (as defined by WIOA sec. 3 (20))
 - An offender
 - A homeless individual (as defined in section 41403 (6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2 (6)), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement
 - Pregnant or parenting
 - An individual with a disability
 - A low-income individual who needs additional assistance to enter or complete an educational program or to secure or hold employment

IN-SCHOOL YOUTH (ISY): To be provided services under the youth funding stream as an “In-School Youth,” the individual must be:

- Attending school (as defined by District Law), including secondary and post-secondary school;
- 14-21 years of age at the time of enrollment;
- A low-income individual (as defined in WIOA sec. 3 (36)); and
- One or more of the following:
 - Basic skills deficient (as defined by WIOA sec. 3 (5))
 - English language learner (as defined by WIOA sec. 3 (20))
 - An offender
 - A homeless individual (as defined in section 41403 (6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2 (6)), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement
 - Pregnant or parenting
 - An individual with a disability
 - An individual who needs additional assistance to enter or complete an educational program or to secure or hold employment

SPECIAL RULE ON LOW-INCOME: WIOA includes a special rule where “low-income individual” includes youth living in a high-poverty area. A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

NON LOW-INCOME EXCEPTION: In each local area not more than 5 percent of “covered individuals” may be persons who are not low income, but who otherwise meet the definition of covered individuals. WIOA sec. 129 (a)(3)(A)(i) defines a covered individual as any ISY or an OSY who meets all other eligibility requirements and who meets the following conditions:

- Recipient of a secondary school diploma or its recognized equivalent who is basic skills deficient or an English language learner; and

- An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Individuals who are not low income must provide source documentation (no self-attestation) to prove they are covered individuals.

REQUIRES ADDITIONAL ASSISTANCE LIMITATION FOR ISY: In accordance with WIOA sec. 129 (a)(3)(B), not more than 5 percent of the ISY may be eligible based on the criteria for requiring additional assistance to complete an educational program or to secure or hold employment.

DOCUMENTATION: Youth must submit documentation which demonstrates that they are eligible to participate in WIOA Title I activities. Documentation demonstrating youth eligibility must be contained in a secure location. Additional WIC guidance on documentation that demonstrates participant eligibility may be issued at a later date.

FOCUS ON OUT-OF-SCHOOL YOUTH: WIOA requires that not less than 75 percent of the funds allocated to local areas shall be used to provide workforce investment activities for Out-of-School Youth. The minimum 75 percent OSY expenditure applies to local workforce development area funds and funds reserved by the Governor. Local area administrative expenditures are not a part of the 75 percent OSY minimum expenditure calculation. The 75 percent expenditure rate is a minimum requirement; therefore, local areas may spend up to 100 percent of their local area youth funds on OSY if they choose.

- **Calculations:** The OSY expenditure rate for statewide funds is calculated after subtracting funds that are not spent on direct services to youth. The OSY expenditure rate for local area funds is calculated after subtracting funds spent on administrative costs. For example, if a local area receives \$1 million and spends \$100,000 (10 percent) on administrative costs, the remaining \$900,000 is subject to the minimum OSY expenditure rate of 75 percent. In this example, the local area would be required to spend at least \$675,000 (75 percent) of the \$900,000 on OSY.
- **Tracking:** The OSY expenditure rate is tracked for a specific program year allotment. ETA determines whether a state or local area meets the 75 percent OSY expenditure requirement upon completion of expenditures of all funds in the specific program year's allotment. For example, the first WIOA youth allotment was the PY 2015 allotment. The expenditure of the PY 2015 funds, including the breakout of ISY and OSY expenditures, is reported on the ETA-9130 report. Because states have three years to expend funds and local areas have

at least two years to expend funds, it may not be until the end of PY 2016, or in some cases PY 2017, before ETA can determine whether a state or local area has met the OSY expenditure requirement for PY 2015.

For additional guidance on calculating the OSY expenditure rate, tracking the OSY expenditure rate, recruiting additional OSY, and the exception for serving 75 percent OSY, please refer to TEGL 23-14 WIOA Youth Program Transition guidance at: http://wdr.doleta.gov/directives/attach/TEGL/TEGL_23-14_Acc.pdf.

CO-ENROLLMENT WITH THE WIOA ADULT PROGRAM: Youth may participate in both the WIOA Youth Program (Title I) and the Adult Program (Title II) at the same time if they are eligible for both and it is appropriate. If such concurrent enrollment occurs, local programs must track expenditures separately by program. When determining in which program(s) to enroll a participant, the decision must be based on the service needs of the participant, and if they are career ready based on an objective assessment of their occupational skills, prior work experience, employability and needs as required in WIOA sec. 129 (c)(1)(A).

6. Action Requested.

Effective immediately. Please distribute this WIGL to appropriate individuals.

7. Attachments.

None.

8. Inquiries.

Inquiries regarding this guidance should be directed to:

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9. Expiration.

Continuing.