

State of Alaska	
Department of Labor and Workforce Development	
Division: Alaska Workforce Investment Board (AWIB)	Policy: 07-502.2
Subject: Workforce Innovation and Opportunity Act Title 1-B, Youth Program Eligibility	Pages: 5
Reference: Workforce Innovation and Opportunity Act H.R. 803, Section 1(b) Sec.3. H.R. 803, Title 1B, Chapter 2, Sec. 129 (a)(1)(2)(3); 20 CFR, Part 681, 3. Subpart B, Sec. 681.200-681.310; Training and Employment Guidance letter No. 23-14; Training and Employment Guidance Letter 8-15; Training and Employment Guidance letter No. 21-16	Effective: 7/1/2015 Revised: 8/22/2020
Approved:  Louise Dean, Executive Director, AWIB	8/25/2020 Date

1. Parties Affected

This policy applies to Alaska Department of Labor and Workforce Development staff, Workforce Innovation and Opportunity Act (WIOA) Title 1-B Youth program subrecipients, and Youth program applicants.

2. Background

WIOA provides for a broad youth vision that supports an integrated service delivery system of leveraged resources to support in-school and out-of-school youth. WIOA commits to providing high-quality services for youth and young adults beginning with career exploration and guidance, through continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating in a job along a career pathway which pays self-sustaining wages, or enrollment in post-secondary education.

3. Policy

Subrecipients of WIOA Title 1-B Youth funding shall determine program eligibility for out-of-school youth (OSY) and in-school youth (ISY) based on the school status of the youth at the time of application using the eligibility criteria listed in this policy.

Subrecipients shall enroll eligible youth and determine the appropriate combination of services, including partner services, to address barriers and ensure youth are able to successfully complete their education and employment goals. Subrecipients shall coordinate with other appropriate resources and refer ineligible applicants to those resources for assistance.

Youth Eligibility Criteria:

In-School Youth is an individual who is:

1. attending school (as defined by state law);
2. between the ages of 14 and 21¹;
3. is a low-income individual²; and
4. one or more of the following barriers applies:
 - basic skills deficient;
 - English language learner;
 - an offender;
 - homeless, runaway, or foster care;
 - pregnant or parenting;
 - an individual with a disability; or
 - requires additional assistance to complete an educational program or to secure or hold employment³.

Out-of-School Youth is an individual who is:

1. not attending any school (as defined by State law);
2. between the ages of 16 and 24; and
3. one or more of the following barriers applies:
 - 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;
 - recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient;
 - an English language learner;
 - subject to the juvenile or adult justice system;
 - homeless, runaway, or foster care;
 - pregnant or parenting;
 - individual with a disability; or
 - low-income individual requiring additional assistance to complete and educational program or to secure or hold employment.³

¹ **Exception:** Youth with disabilities or with an Individualized Education Plan (IEP) may be enrolled as ISY up to the age of 22 if the youth is being served by the K-12 public school system.

² **Exception:** There is a five percent exception for youth who are over income but otherwise meet the eligibility criteria. AWIB must approve all participants served under the five percent exception rule.

³ **Exception:** There is a five percent limitation on the usage of “requires additional assistance” as a barrier when determining eligibility. AWIB must pre-approve any participant deemed eligible under this barrier to ensure the five percent threshold is not exceeded.

Determining School Status

School status is determined based on the eligibility factors for ISY and OSY at the time of application.

If a youth is enrolled in the WIOA Youth program between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in a postsecondary training program and applies for the WIOA youth program, the youth is considered an:

1. ISY if registered in a credit-bearing course, even if the youth has not yet begun postsecondary classes at the time of enrollment;
2. OSY if registered in a non-credit bearing course, (e.g. vocational training institutions or non-credit bearing college or university coursework); or
3. OSY if a youth graduates from high school and registers for credit-bearing postsecondary education but does not ultimately follow through with attending postsecondary education, and the eligibility determination is made after the decision not to attend credit-bearing postsecondary education.

High School equivalency programs and dropout-re-engagement programs. Providers of adult education, YouthBuild, Job Corps, high school equivalency programs, and dropout re-engagement programs are not considered to be schools for the purposes of determining school status. However, there is one exception: youth attending high school equivalency programs, including dropout re-engagement programs, funded by the public K-12 school system that are classified by the school system as still enrolled in school are considered ISY.

Individuals 22 and older attending credit-bearing postsecondary education. A youth attending postsecondary education who is 22 at the time of the eligibility determination is not eligible for the WIOA Youth program, but should be referred to the Job Center for WIOA Adult program eligibility determination.

Once the school status of a youth is determined, the school status remains the same throughout participation in the WIOA youth program regardless of whether their school status changes.

Barrier Definitions

Additional assistance – additional assistance to enter or complete an educational program or to secure or hold employment, is established when a youth:

- a) lacks employability skills to obtain or retain employment;
- b) lacks access to training opportunities due to geographic challenges;
- c) requires special accommodations for education or employment due to a disability;
- d) experiences cultural dissonance;
- e) is a migrant youth;
- f) is currently attending an educational program and
 - 1) has previously dropped out of an educational program; or

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Auxiliary aids and services are available upon request to individuals with disabilities.

- 2) has poor attendance patterns in an educational program during the last 12 calendar months and has below average grades;
- g) is not attending an educational program and
 - 1) has no vocational or employment goal; and
 - 2) has a poor work history (including no work history), or has been fired from a job in the last six calendar months; or
- h) has completed full high school attendance and
 - 1) failed comprehensive high school graduation tests;
 - 2) was denied an high school diploma; and
 - 3) requests and requires intensive tutoring or remedial education to prepare for and retake the comprehensive examinations or the GED examination.

Age of compulsory school attendance, but not attending means a youth who is within the age of compulsory school attendance established by [Alaska Statute](#), but has not attended school for at least the most recent complete school year calendar quarter.

Basic skills deficient means a youth who has English, reading, writing, or computing skills at or below the 8th grade level on the Test of Adult Basic Education (TABE); or is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Credit bearing is a class or group of classes that yield credits that will transfer to a college or university.

Disability means a physical or mental impairment that substantially limits one or more major life activities, or being regarded as having such impairment as defined in the [Americans with Disabilities Act](#):

- a) OSY with a disability are not required to be low-income.
- b) For an ISY with a disability, the youth's own income, rather than their family's income, must meet the low-income definition. If the youth is not living in a single residence with other family members, the youth is not a member of a family for the purpose of family income calculations.

Dropout means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent, not including a dropout from post-secondary school.

English language learner means a person who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English; or who lives in a family or community environment where a language other than English is the dominant language.

Homeless, runaway or foster care – A youth who is homeless is eligible under the same barrier category as a youth in the foster care system or one who has aged out of the foster care system.

- a) Homeless means a youth who lacks a fixed, regular, and adequate nighttime residence, or who has a primary nighttime residence that is:
 - i. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 - ii. an institution that provides a temporary residence for individuals intended to be

- institutionalized; or
- iii. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
 - b) A runaway is a youth under 18 years of age who absents him or herself from home or place of legal residence without the permission of parents or legal guardian.
 - c) A youth in foster care is an individual where there is a court order in existence removing the youth from the custody of the parents and specifying a managing conservator exists and state or local government payments are made to the conservator.
 - d) A youth who has aged out of the foster care system.

Low-income means a youth who receives or is a member of a family who, in the past six months:

- a) has received assistance through the supplemental nutrition assistance program⁴ established under the [Food and Nutrition Act of 2008⁵](#), or temporary assistance for needy families program under [Title IV of the Social Security Act](#), or the supplemental security income program established under [Title XVI of the Social Security Act](#) , or State or local income-based public assistance;
- b) has an income or a total family income that does not exceed the higher of the [U.S. poverty guideline for Alaska](#), or seventy percent of the [Lower Living Standard Income Level Guidelines](#) (if the youth is not living in a single residence with other family members, the youth is not a member of a family for the purpose of family income calculations); or
- c) is homeless, a runaway, or a foster child on behalf of whom state or local government payments are made.

Special Rule – for the purpose of determining eligibility, the term “low- income” also includes a youth living in a high poverty area. A *high poverty area* is a Census tract, a set of contiguous Census tracts, Indian Reservations, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent or more as set every 5 years using [American Community Survey](#) 5-Year data.

Offender is an individual who is or has been subject to any stage of the criminal justice process in either the juvenile or adult justice system and requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Pregnant or parenting means an expectant mother, parenting mother or father, and are either custodial or non-custodial.

⁴ 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 the child’s qualification.

⁵ When a school does not use individual eligibility criteria to determine who is eligible for free or reduced price lunch and the whole school receives free or reduced price lunch, the individual reduced lunch eligibility of the youth must be determined or other low-income criteria must be used.