
Policy Number: WIOA I-B – 2.6 Updated

Effective Date: August 27, 2018

Eligibility for Out-of-School Youth Program

PURPOSE:

The purpose of this policy is to outline the eligibility requirements for the WIOA Out-of-school Youth (OSY) program in accordance with the Workforce Innovation and Opportunity Act of 2014 (WIOA), the WIOA Final Rule, Training and Employment Guidance Letters (TEGLs) published by the Employment and Training Administration of the U.S. Department of Labor (ETA), and policies of the Arkansas Workforce Development Board (AWDB).

REFERENCE:

WIOA § 129
20 CFR 681
Comments in WIOA Final Rule concerning 681.210
TEGL 21-16
42 U.S.C. 677 (sec. 477 of the Social Security Act)
A.C.A §6-1-201
ADWS Policy No. WIOA I-B – 1.2 (Definitions)
ADWS Policy No. WIOA I-B – 2.1 (Common Eligibility Requirements)

POLICY:

In-school or Out-of-school Youth status, as well as age for eligibility purposes, is determined at the time of the eligibility-determination portion of enrollment. Because enrollment for youth can occur over a period of time, TEGL 21-16 clarified that the date a youth is determined eligible for services is the date of determining school status and age. Eligibility for the program does not end if a participant enrolls in school or reaches an age greater than the age of the program, as long as the participant needs the services and activities of the Youth program [20 CFR 681.210(b); 20 CFR 681.220(b); 20 CFR 681.240; Comments in WIOA Final Rule concerning §681.210; TEGL 21-16].

If an eligible youth applies for a WIOA Youth program and either does not meet the enrollment requirements for that program or cannot be served by that program, the Youth program provider must ensure that the youth is referred for further assessment, if necessary, or referred to appropriate programs to meet the basic skills and training needs of the applicant [WIOA § 129(c)(3)(B); 20 CFR 681.420(e & f)].

To be eligible for Out-of-school-Youth (OSY) Services, an applicant must meet all of the following numbered requirements [WIOA §129(a)(1)(B); 20 CFR 681.210]:

1. Meet all applicable common requirements, as given in ADWS Policy No. WIOA I-B – 2.1 (*Common Eligibility Requirements*)
2. Not attending any school at the time of enrollment. “School” refers to an approved private, public, parochial secondary school, or home school that meets the requirements for legal operation [A.C.A §6-1-201] or a postsecondary school. Adult education, YouthBuild, Job Corps, high school equivalency, and dropout re-engagement programs do not qualify as a “school” for the purposes of WIOA Title I-B Youth eligibility [20 CFR 681.230]. Any credit-bearing postsecondary education classes, including community college classes and credit-bearing continuing education classes, are considered “school” [TEGL 21-16]. (Exception: any youth attending a high school equivalency program, including those considered to be 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 to be an In-school Youth (ISY) [TEGL 21-16]. An individual is considered an ISY if he or she is enrolled in school but is not attending only because the school is not in session. If eligibility is determined during the summer and the youth is in between school years, the youth is considered an ISY if the applicant is enrolled to continue school in the fall (or summer, if applicable). “Enrollment” in postsecondary education is defined as “registered for classes.” If the applicant is between high school graduation and postsecondary education, the youth is considered an ISY if he or she is registered for postsecondary education classes, even if the youth has not yet begun postsecondary classes at the time of eligibility determination. If a high school graduate does not follow through with plans to attend postsecondary education, then the youth would be considered an OSY if the eligibility is determined after the youth decided not to attend postsecondary school [TEGL 21-16].
3. Not younger than age 16 or older than age 24 at the time of enrollment. Because eligibility is based on age at the eligibility-determination portion of enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program
4. Meet one or more of the following criteria at the time of eligibility determination:
 - a. A school dropout (an individual who is not attending any school and who has not received a secondary school diploma or its equivalent)
 - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter session of school, however the local school defines a quarter. In cases where schools do not use quarters, local programs must use calendar year quarters. Arkansas age of compulsory school attendance is generally through age 17 [A.C.A. §6-15-501], but see “Age of compulsory school attendance” in Policy No. WIOA I-B – 1.2 (*Definitions*) for more information.
 - c. A recipient of a secondary school diploma or its recognized equivalent who is low-income and is also either basic skills deficient or an English language learner
 - d. An offender (see ADWS Policy No. WIOA I-B – 1.2 for definition)
 - e. A homeless individual (see ADWS Policy No. WIOA I-B – 1.2 for definition)
 - f. A runaway (a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of his or her family [also categorized as homeless [TEGL 19-16]])

- g. 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 or a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677) or in an out-of-home placement
- h. An individual who is pregnant or parenting (An individual who is parenting may be a mother or father, custodial or non-custodial. A pregnant individual can be only the expectant mother [TEGL 21-16].)
- i. An individual with a disability (see ADWS Policy No. WIOA I-B – 1.2 for definition)
- j. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment, as defined by the LWDB in the Local Plan [20 CFR 681.300]. The definition in the Local Plan must include required documentation to establish eligibility for this barrier [20 CFR 681.300].

Low-income Exception: WIOA Title I-B allows an exception to the low-income requirement for no more than 5% of WIOA Title I-B Youth (both ISY and OSY combined, and based on newly enrolled Youth in a given program year) who ordinarily would be required to be low-income for eligibility purposes. Excepted individuals must meet other eligibility requirements [WIOA § 129(a)(3)(A)(ii); TEGL 22-16].