



WIOA YOUTH ELIGIBILITY DEFINITIONS

WORKFORCE SYSTEM POLICY

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Purpose of the Policy

This policy provides technical assistance to workforce system stakeholders regarding relevant definitions related to the Workforce Innovation and Opportunity Act (WIOA) Title I Youth program eligibility determination.

Policy Statement

This policy ensures compliance with statutory and regulatory requirements, expands the flexibility of local workforce development areas (local areas) to expend funds appropriately, and eliminates barriers to the provision of services to individuals most in need.

Scope

The policy applies to the Commonwealth of Pennsylvania and its associated agencies, local area chief elected officials (CEOs), local workforce development boards (local boards), program and service providers, and any other entity associated with WIOA Title I Youth.

Audience

Pennsylvania local area CEOs, local board members and staff, program and service providers, and other local workforce system stakeholders must adhere to the conditions of use and specifications as outlined in this policy.

Related Policies

Self-Certification and Telephone/Document Inspection Verification

Will Rescind Youth Eligibility Definitions – Initial Implementation of the Workforce Innovation and Opportunity Act

Definitions

Basic skills deficient, as per WIOA Sec. (3)(5), is an individual: (1) who is a youth, and who has English reading, writing, or computing skills at or below the eighth-grade level on a generally accepted standardized test; or (2) who is a youth or adult, that 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.

Department is the Pennsylvania Department of Labor & Industry, which has been designated by the governor to serve as the state administrative entity/state workforce agency.

English Language Learner, as per WIOA sec. 203(7), is an individual who has limited ability in reading,

writing, speaking, or comprehending the English language, and:

- (1) Whose native language is a language other than English; or
- (2) Who lives in a family or community environment where a language other than English is the dominant language.

Individual with a disability, as per WIOA sec. 3(25) and 42 U.S.C. 12102(3), meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Note: This does not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

In-school youth (ISY), as per 20 CFR § 681.220, is:

1. attending school (as defined by State Law) including secondary or postsecondary school,
2. not younger than age 14 (unless the youth is an individual with a disability and is attending school under State law) or older than age 21 at the time of enrollment

Note: Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program.

3. a low-income individual; and
4. one or more of the following:
 - a. Basic skills deficient.
 - b. An English language learner.
 - c. An offender.
 - d. A homeless individual aged 14-21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 14-21 who meets the criteria defined in sec. 725(2) of the McKinney Vento Homeless Assistance Act, 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 has left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act (42 USC 677), or in an out-of-home placement.
 - f. An individual who is pregnant or parenting.
 - g. An individual with a disability; or
 - h. An individual who requires additional assistance to complete an education program or to secure or hold employment, as defined by the local area.

Lower Living Standard Income Level (LLSIL), as per WIOA sec. 3(36)(B), is the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary.

Note: A youth is considered low income if the youth is in a family with a total family income that does not exceed the higher of the poverty line or 70 percent of the LLSIL, except in cases where the youth’s income is considered.

Low-income individual is a member of one (1) or more of the following populations:

- Recipients of public assistance;
- Individuals in a family with total income below the poverty line or 70% of the lower living standard income level;
- Homeless;
- Foster youth;
- A recipient of or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- Individuals with disabilities with individual income below the poverty line or 70% of the lower living

- standard income level; or
- Youth living in a high-poverty area as described in WIOA Sec. 129(a)(2).

Offender, as per WIOA sec. 3(38), is an adult or juvenile (1) who is or has been subject to any stage of the criminal justice process, and for whom services under this Act may be beneficial; or (2) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Out-of-school youth (OSY), as per 20 CFR § 681.210, is:

1. Not attending any school (as defined under State law)
2. Not younger than age 16 or older than 24 at the time of enrollment (participants may continue to receive services beyond age 24 once enrolled the program); and
3. one or more of the following:
 - a. A school dropout.
 - b. A youth within the age of compulsory school attendance but has not attended school for at least the most recent complete school year calendar quarter.
Note: A school year calendar quarter is based on how a local school district defines its school year quarters. In cases where schools do not use quarters, local programs must use calendar year quarters.
 - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or is an English language learner.
 - d. An offender.
 - e. A homeless individual, aged 16-24, who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994, a homeless child or youth aged 16-24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act, 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, a child eligible for assistance under sec. 477 of the Social Security Act (42 USC 677), or in an out-of-home placement.
 - g. An individual who is pregnant or parenting.
 - h. An individual with a disability.
 - i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure and hold employment, as defined by the local area.

Pregnant or parenting, as per Training and Employment Guidance Letter (TEGL) No. 21-16, is an individual who is parenting can be a mother or father, custodial or non-custodial. 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.

Procedures

WIOA Title I Youth Participant Eligibility

WIOA enacted this comprehensive program serving eligible youth, ages 14-24, who face barriers to education, training, and employment. Youth must meet eligibility requirements to participate in the WIOA Title I Youth program. Enrollment requires the collection of information to support eligibility determination. WIOA establishes separate criteria for out-of-school youth (OSY) and in-school youth (ISY). A youth applicant's eligibility is determined at registration; therefore, a youth remains eligible to receive youth services, within their originally designated ISY or OSY category, until exited from the program.

General Eligibility Requirements

In addition to meeting the definition for ISY and OSY, general eligibility includes meeting the definition of being a U.S. Citizen or Eligible-to-Work in the U.S. and must meet Selective Service Registration Requirements (if applicable).

Under WIOA, a key element of youth eligibility determination is whether or not the applicant is attending school or not attending school (as defined by State law). An ISY must be attending school, while OSY must not be attending school. In Pennsylvania, providers of youth services must establish this by utilizing the criteria outlined below:

- A. Attending Any School. Youth receiving services from any one of the public or non-public institutions listed in the table below, as well as those being home-schooled or privately tutored, are considered “attending school” for the purpose of WIOA Title I Youth eligibility determination. A youth enrolled at a post-secondary institution is “attending school.”
- B. Not Attending Any School. Youth not receiving services from any one of the public or non- public institutions listed in the table below would be considered “not attending school” for the purpose of WIOA Title I Youth eligibility determination.

Public Schools	Non-Public Schools
<ul style="list-style-type: none"> • School districts • Charter schools • Regional charter schools • Cyber charter schools • Area career and technical school • Intermediate units 	<ul style="list-style-type: none"> • Private academic schools • Non-public schools (operated by a bona fide church or religious body) • Private academies and boarding schools • Private Residential Rehabilitative Institution

For the purpose of WIOA Title I Youth eligibility determination, the Department considers individuals who are enrolled in adult basic education/high school equivalency test preparation, skills training, or other remedial education programs including those offered through publicly and privately funded adult basic education programs, YouthBuild or Job Corps programs, to be “not attending school.” Eligibility for these services shall be based on the educational status of a youth, not on the location or funding source of the entity providing the service(s). Therefore, such young people must be categorized as OSY for the purposes of registration in the Commonwealth Workforce Development System (CWDS).

- C. Alternative Schools/Programs. WIOA references ‘alternative schools’; however, Pennsylvania education law mainly uses the label “alternative” in reference to “alternative education for disruptive youth” (AEDY), not, for example, in reference to youth enrolled in adult basic education programming. Because AEDY programs provide students with coursework that allows the student to progress toward high school graduation, students enrolled in AEDY programs are “attending school.”
- D. Compulsory school age. Compulsory school age refers to the time a child enters school until they graduate or turn age 18. Pennsylvania law requires students to attend school from age 6 to age 18, or until they graduate from a high school, whichever occurs first (except as otherwise provided by law).

A student less than 18 years of age must comply with compulsory school age requirements unless they:

- have graduated from high school;
- have permission from their resident school district to attend a private trade school or private business school continuously during the school year;

- are enrolled in a day or boarding school that is accredited by an accrediting association approved by the Pennsylvania State Board of Education;
 - are enrolled in a private tutoring program, a home education program or a school operated by a church or religious body that meets the state’s minimum required days and hours of instruction; or
 - are employed consistent with the applicable provisions of section 1330 of the Pennsylvania School Code.
- E. Enrolled in School. A student that is on the attendance rolls whether or not they are physically present on any given day, in accordance with state law.
- F. School dropout. As per WIOA Sec. 3(54), is an individual who is no longer “attending any school” and who has not received a secondary school diploma or its recognized equivalent.

Self-Attestation used for Determining Eligibility

Self-attestation, as defined in Attachment II of Training and Employment Guidance Letter (TEGL) 23-19, Change 2, is a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. Electronic signatures may include a submission from the participant such as an email, text, or unique online survey response that is participant generated and traceable to the participant.

Note: Self-Attestation (or self-certification) may be used to verify WIOA Title I eligibility when individuals cannot provide other verification sources without causing undue hardship. TEGL 10-23 explains that self-attestation is sufficient for both eligibility determination and data validation purposes. While the United States Department of Labor and Industry does not promote the overuse or exclusive use of self-attestation, it does recognize its use as a viable alternative.

TEGL 23-19, Change 2, explains the following youth eligibility data elements may use self-attestation as a source of acceptable documentation: school status at program entry, date of birth, individual with a disability, pregnant or parenting, youth who needs additional assistance, foster youth, homeless youth, offender, low-income, and English Language Learner.

Note: The only data element related to Title I Youth eligibility that does not permit the use of self-attestation as acceptable documentation is “basic skills deficient”.

Low-Income Eligibility Exception Rule

For both ISY and some OSY, a youth living in a high-poverty area is automatically considered to be a low-income individual.

As explained in 20 CFR § 681.250, WIOA allows a low-income exception where five percent (5%) of WIOA youth may be participants who ordinarily would be required to be low income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent (5%) based on the percent of newly enrolled youth in the local area’s WIOA youth program in a given program year who would ordinarily be required to meet the low-income criteria.

To further clarify, this eligibility exception rule applies to all ISY since low income is a requirement for ISY eligibility, but only applies to OSY who are only basic skills deficient; an English language learner; and/or requires additional assistance to enter or complete educational program or to secure and hold employment; and are not low-income.

Reporting Youth Barriers

TEGL 09-22 stresses the importance of reporting all eligibility barriers for youth when multiple barriers are present to accurately represent the youth being served.

Note: There is one exception to reporting all youth eligibility barriers: ISY who require additional assistance to complete an education program or secure/hold employment. WIOA includes a limitation where only five percent (5%) of ISY, in a given program year, can be determined eligible using the “youth who require additional assistance to complete an education program or secure/hold employment” barrier in each local area. Therefore, to accurately track this five percent (5%) limitation, Title I Youth programs must only report youth as having this barrier if it is their only barrier used for determination.

Coordination with WIOA Partner Agencies

The Department strongly encourages the co-enrollment of WIOA Title I Youth so that they receive work experience and occupational skills through WIOA Title I funding, and academic and workforce skills through WIOA Title II funding.

Note: This section does not directly apply to youth participants being served under Title IV (Vocational Rehabilitation Services).

CWDS Data Entry

Any CWDS data entry-related communications necessitated by the issuance of this policy are available.

Resources

[PA WIOA Common Measures Data Validation Guide \(9/2023\)](#)

Supporting Information

- Workforce Innovation and Opportunity Act (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act - Notice of Proposed Rulemaking, 80 FR 20689
- Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, et seq.
- U.S. Department of Labor Employment and Training Administration (USDOL-ETA) Training and Employment Guidance Letter (TEGL) No. 8-15, *Second Title I WIOA Youth Program Transition Guidance*, November 17, 2015
- TEGL No. 12-01, Attachment B, *Clarification on Selected Activities and Issues under the Workforce Investment Act (WIA)*, February 21, 2002
- TEGL No. 23-14, *Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition*, March 26, 2015
- TEGL No. 21-16, *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*, March 2, 2017
- TEGL No. 21-16, Change 1, *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*, July 30, 2021
- TEGL No. 09-22, *Workforce Innovation and Opportunity Act Title I Youth Formula Program Guidance*, March 2, 2023
- TEGL No. 23-19, Change 2, *Guidelines for Validating Required Performance Data Submitted by Grant Recipients for US Department of Labor (DOL) Workforce Programs*, May 12, 2023

- TEGL No. 10-23, *Reducing Administrative Barriers to Improve Customer Experience in Grant Programs Administered by the Employment and Training Administration*, February 21, 2024
- Section 1326 of the Pennsylvania School Code (24 P.S. § 13-1326)
- *Compulsory School Attendance, Unlawful Absences, and School Attendance Improvement Conference Basic Education Circular*, February 2020
- 22 Pa. Code §§ 11 and 12

Policy History

Title I of WIOA outlines an integrated service delivery system and provides a framework through which states and local workforce development areas can leverage other federal, state, local, and philanthropic resources to support in-school and out-of-school youth. WIOA affirms the commonwealth’s commitment to providing high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or registered apprenticeship. As referenced in 20 CFR § 681.410, WIOA requires a minimum of seventy-five percent (75%) of the total local youth formula allocation to be expended on activities to out-of-school youth, excluding administrative costs, monitoring, and technical assistance.

Youth must meet eligibility requirements to participate in the WIOA Title I Youth Program. Those who are 14-24 years of age and face specific barriers to school completion or employment are considered eligible youth. The Department issued Workforce System Guidance No. 03-2015 Youth Eligibility Definitions – Initial Implementation of the Workforce Innovation and Opportunity Act on December 23, 2015, which will be rescinded upon the effective date of this policy.