

Policy Number: \_\_\_\_\_ Effective Date: \_\_\_\_\_

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## **Preliminary Policy - Eligibility for Youth Programs**

### **PURPOSE:**

The purpose of this policy is to outline and define the eligibility for youth programs with the Local Workforce Development Areas (LWDA) in accordance with the federal Workforce Innovation and Opportunity Act of 2014.

### **REFERENCE:**

Workforce Innovation and Opportunity Act (WIOA) sections 3, 129, and 188.

### **ACTION:**

This policy becomes effective on July 1, 2015.

### **POLICY:**

All youth who participate in the youth program must be registered, which requires the collection of information to support a determination of eligibility. Individuals not younger than the age of 14 or older than the age of 21 at registration who meet specific criteria are considered in-school youth. Individuals not younger than the age of 16 or older than the age of 24 at registration who meet specific criteria are considered out-of-school youth. Equal opportunity data must be collected on individuals during the registration process. Section 188 of WIOA contains specific nondiscrimination provisions providing the availability of participation in WIOA programs to citizens or nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, or parolees, or other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization, including individuals granted relief under the Deferred Action for Childhood Arrivals (DACA), may access any WIOA services for which they otherwise would qualify.

### **Eligibility Criteria**

Individuals who apply to participate in the youth program under WIOA shall meet the following criteria as described in WIOA sections 3(18) and 129(a):

Is an In-School Youth or an Out-of-School Youth;

- i. To qualify as an In-School Youth, the individual must be:
  - a. Attending school , including secondary or post-secondary

**Attending School** – A.C.A. §6-1-201 explains mandatory school attendance for individuals between the age of five (5) and seventeen (17) years of age. The statute requires

- i. Enrollment in an approved school
  - Approved school includes private, public, parochial or home school that met the requirements for legal operation as described in A.C.A. §6-15-501.
- ii. Regular attendance each day the school is open unless
  - Any child has received a high school diploma or its equivalent as determined by the State Board of Education; or
  - Any child sixteen (16) years of age or older who is enrolled in a postsecondary vocational-technical institution, a community college, or a two-year or four-year institution of higher education; or
  - Any child sixteen (16) years of age or older who is enrolled in an adult education program under subsection (b) or the Arkansas National Guard Youth Challenge Program.

- b. Not younger than 14 or older than 21 at the time eligibility determination is made;

**Age Limits** – Public schools are required to provide free instruction to any person between the ages of 5 and 21 who has not completed high school, or received a diploma of high school equivalency. There is no age limitation for other types of schools, including those that elect not to meet the approval or accreditation requirements.

- c. A low-income individual; and

**Low Income Individual** – WIOA section 3(36) defines a "low income individual" as one who:

- i. 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 established under the Food and Nutrition Act of 2008 [7 U.S.C. 2011 et seq.], the Temporary Assistance for Needy Families program under part A of Title IV of the Social Security Act [42 U.S.C. 601 et seq.], or the supplemental security income program established under Title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] or State or local income-based public assistance;
- ii. Is in a family with total family income that does not exceed the higher of:
  - The poverty line, for an equivalent period; or
  - Seventy percent of the lower living standard income level, for an equivalent period.
- iii. Is a homeless individual as defined in section 41403(6) of the Violence Against Women Act of 1994 [42 U.S.C. 14043e-2(6)], 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)];

- iv. Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- v. Is a foster child on behalf of whom state or local government payments are made; or
- vi. Is an individual with a disability whose income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement;
- vii. Youth living in a high poverty area.

**High Poverty Area** – Arkansas has defined “high poverty area” as census tracts where 30% or more of the households are at or below the poverty line, as determined by the most recent United States Census Bureau’s American Community Survey. Attachment A provides a current list and map outlining Arkansas’ census tracts meeting this definition.

The U.S. Census Bureau provides an individual address search tool to find the census tract number that corresponds with an address. This tool is located on the middle right side of the screen at:

<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>.

Note: Census tracts may change with each ten year census. The most recent census tracts were designated in 2013.

d. One or more of the following:

i. Basic skills deficient;

**Basic Skills Deficient** – WIOA section 3 (5) defines “basic skills deficient” as an individual:

- Who is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
- Who is a youth or adult that the individual 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.

ii. An English language learner;

iii. An offender;

iv. 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;

- v. Pregnant or parenting;
- vi. A youth who is an individual with a disability;
- vii. An individual who requires additional assistance to complete an educational program or to secure or hold employment.

**Requires Additional Assistance to Complete an Educational Program or to Secure and Hold Employment** – Definitions and eligibility documentation requirements regarding the "requires additional assistance to complete an educational program or to secure and hold employment" criterion shall be established at the local level. However, the policy must be included in the local plan.

ii. To qualify as an Out-of-School Youth, the individual must be:

- a. Not attending any school;
- b. Is no younger than 16 or older than 24; AND
- c. One or more of the following:

- i. A school dropout;

**School Dropout** – WIOA section 3 (54) defines "school dropout" as an individual who is:

- No longer attending any school; and
- Who has not received a secondary school diploma or its recognized equivalent.

- ii. 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;

- iii. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is:

- 1. Basic skills deficient; or

**Basic Skills Deficient** – WIOA section 3(5) defines "basic skills deficient" as an individual:

- Who is a youth, that the individual has English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
- Who is a youth or adult that the individual 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.

- 2. An English language learner;
- iv. An individual who is subject to the juvenile or adult justice system;
- v. 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;
- vi. An individual who is pregnant or parenting;
- vii. A youth who is an individual with a disability;
- viii. A low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment.
 

**Requires Additional Assistance to Complete an Educational Program or to Secure and Hold Employment** – Definitions and eligibility documentation requirements regarding the "requires additional assistance to complete an educational program or to secure and hold employment" criterion shall be established at the local level. However, the policy must be included in the local plan.
- x. Youth living in a high poverty area.

### **Youth Who Are Not Low-Income Individuals**

Up to five (5) percent of youth participants served in a local area do not need to meet the income requirements provided they are a "covered individual".

**A covered individual** is defined as an individual who is:

- 1) An in-school youth; or
- 2) An out-of-school youth who is either:
  - a. A recipient of a secondary school diploma or its recognized equivalent who is
    - i. Basic skills deficient; or
    - ii. An English language learner; or
  - b. An individual who requires additional assistance to enter or complete an education program or to secure or hold employment.

## **Concurrent Enrollment**

Under the Act, eligible adults are defined as individuals age 18 or older. The Act defines eligible youth as 14 through 21 years of age, if in-school youth, and 16 through 24, if out-of school youth. Thus, individuals between the ages of 18 through 24 (at eligibility determination) may be eligible for both adult and youth programs.

- Eligible individuals who are 18 through 24 years old (at registration) may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth and adult/dislocated worker eligibility criteria applicable to the services received. Local program operators should determine the appropriate use of co-enrollment for individuals in this age group. This determination should be driven by program design and services provided.
- Local program providers must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult/dislocated worker programs concurrently, and ensure that services are not duplicated.

## **Enforcement of Military Selective Service Act**

Local providers shall ensure that each individual participating in any program or activity established under Title I of WIOA, or receiving any assistance or benefit under such Title, has not violated Section 3 of the Military Selective Service Act [50 U.S.C. App. 453] by not presenting and submitting to registration as required pursuant to such Section.

Geographic Area	Percent	Margin of Error
Bradley County	31.3	+/-5.0
Chicot County	33.0	+/-3.6
Desha County	30.1	+/-3.7
Lee County	31.5	+/-3.7
Phillips County	33.5	+/-3.6

**Legend:**

**Data Classes**

- 8.0 - 13.2
- 14.0 - 17.7
- 18.7 - 22.0
- 22.0 - 25.5
- 26.1 - 28.8
- 30.1 - 33.5

