

## **Eligibility for Youth Programs Policy**

### **References:**

Workforce Investment Act of 1998, Sec. 101 and 189; 20 CFR: 664.200, 664.205, 664.210, 664.215, 664.220, 664.230, 664.240, 664.250, 664.500; TEGL 7-99 and TEGL 02-14.

### **Background:**

Eligibility for Youth is defined under the provisions of the Workforce Investment Act rules and regulations.

### **Action:**

After the 10 day review period, this policy is considered final. Questions and comments should be submitted in writing to Stan Odenthal, [stan.odenthal@nebraska.gov](mailto:stan.odenthal@nebraska.gov).

### **Policy:**

All youth who participate in the youth program must be registered, which requires the collection of information to support a determination of eligibility. Youth between the ages of 14 and 18 at registration shall be included in the younger youth program and youth between the ages of 19 and 21 at registration shall be included in the older youth program. Equal opportunity data must be collected on individuals during the registration process.

Section 188 of WIA contains specific nondiscrimination provisions providing the availability of participation in WIA 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 WIA services for which they otherwise would qualify.

### **Eligibility Criteria**

Individuals who apply to participate in the youth program under WIA shall meet the following criteria as described in Section 101(13) in the Act:

- Is age 14 through 21 [at registration];
- Is a low income individual, as defined in the WIA Section 101(25); and
- Is within one or more of the following categories:
  - (1) Deficient in basic literacy skills;
  - (2) School dropout [at registration];
  - (3) Homeless, runaway, or foster child;
  - (4) Pregnant or parenting;

- (5) Offender; or
- (6) Individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment.

#### Low Income Individual

Section 101(25) of the WIA describes a "low income individual" as one who:

- (A) Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.
- (B) Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved [exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)] that, in relation to family size, does not exceed the higher of:
  - (1) The poverty line, for an equivalent period; or
  - (2) Seventy percent of the lower living standard income level, for an equivalent period;
- (C) Is a member of a household that receives (or has been determined within the 6 month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
- (D) Qualifies as a homeless individual, as defined in Subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
- (E) Is a foster child on behalf of whom state or local government payments are made; or
- (F) In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

The criteria for income eligibility under the National School Lunch Program are not the same as the Act's income eligibility criteria. Therefore, the school lunch list may not be used as a substitute for income eligibility to determine who is eligible for services under the Act.

#### Deficient in Basic Literacy Skills

Definitions may establish such criteria as are needed to address local concerns and shall be included in the local plan, but must include a determination that an individual:

- Computes or solves problems, reads, writes, or speaks English at or below grade level 8.9; or
- Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

### 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.

### Youth Who Are Not Low-Income Individuals

Up to 5 percent of youth participants served by youth programs in a local area may be individuals who do not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

- School dropout;
- Basic skills deficient, as defined in WIA Section 101(4);
- Are one or more grade levels below the grade level appropriate to the individual's age;
- Pregnant or parenting;
- Possess one or more disabilities, including learning disabilities;
- Homeless or runaway;
- Offender; or
- Face serious barriers to employment as identified by the Local Board. [WIA Sec. 129(c)(5).]

If the family of a disabled youth does not meet the income eligibility criteria, the disabled youth is to be considered a low-income individual if the youth's own income:

- Meets the income criteria established in WIA Section 101(25)(B); or
- Meets the income eligibility criteria for cash payments under any federal, state or local public assistance program. [WIA Sec. 101(25)(F).]

### **Concurrent Enrollment**

Under the Act, eligible adults are defined as individuals age 18 or older and eligible youth are 14 through 21 years of age. Thus, individuals ages 18 through 21 [at registration] may be eligible for both adult and youth programs.

- Eligible individuals who are 18 through 21 years old [at registration] may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult/dislocated worker eligibility criteria applicable to the services received. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth, adult, dislocated worker, or other services.
- Local program operators 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 programs shall ensure that each individual participating in any program or activity established under Title I of WIA, 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.