**WIOA Young Adult Programs**

**Chapter 01: Introduction to WIOA Young Adult Programs**

Summary

The Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014. WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. For more information, see: <https://www.dol.gov/agencies/eta/wioa>.

TEGL 09-22, issued on March 2, 2023, addresses the Department of Labor’s vision and priorities for programs serving youth. As summarized in [Attachment I to TEGL 09-22](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2009-22/Attachment%20I.pdf), DOL’s vision is to achieve a No-Wrong-Door Workforce System with critical partners committed to improving services, supports and outcomes for youth, particularly opportunity youth.

A key piece of DOL’s vision is the Youth Employment Works strategy which is focused on young people ages 14-24. DOL set the following priorities for programs serving youth:

* Ensuring guaranteed paid work experiences for youth: every young person has a high-quality, career pathway aligned work experience, especially paid work experiences for opportunity youth.
* Increasing the number of business and sector partners committed to high quality career pathways for young workers: all sectors invest in high quality career pathways for youth and young adults, building a strong basis for the future workforce.
* Creating a No Wrong Door Youth Workforce System: a seamless, clear, and modern access to supportive services, education, training, and workforce development opportunities.

The No Wrong Door Youth Workforce System, as described in [TEGL 09-22](https://www.dol.gov/agencies/eta/advisories/tegl-09-22):

1. Integrates diversity, equity, inclusion and accessibility practices.
2. Ensures equitable access to high quality career pathways for ALL youth: in-school and out-of-school youth, justice involved, youth with disabilities, etc.
3. Integrates Job Quality principles into program design and service delivery.
4. Centers Youth Voice and experience and ensures empowered youth decision making.
5. Addresses mental health issues.

The following policy clarifications are included in [TEGL 09-22](https://www.dol.gov/agencies/eta/advisories/tegl-09-22), based on lessons learned from the Covid-19 pandemic:

* **Virtual Work Experience:** Virtual work experiences are allowable under the WIOA Youth Program. Virtual work experiences can offer more flexibility, provide equity and access for youth who might not otherwise have the opportunity for certain types of work experience. For technical assistance resources, see: <https://mn.gov/deed/programs-services/office-youth-development/resources/>
* **Digital Literacy and Access:** WIOA Youth funds can be used to pay for devices and broadband internet service that allow a participant to create or maintain wireless connection for distance learning, search for jobs, and engage in other employment and training services. It is important to assure that young people have the digital skills needed to enter and remain in the workforce. A LWDB/WDA must have written policies and procedures in place that outline the steps/factors it will consider to approve a cost and ensure that costs are reasonable, necessary, allowable, and allocable to the WIOA youth grant.
* **Supportive Services As An Allowable Work Experience Expenditure:**  DOL recently determined that supportive services that enable WIOA Youth participants to participate in training can count toward training expenditures. To be consistent with this policy, Support Services that enable WIOA Youth participants to participate in Work Experience can now count toward the Work Experience Expenditure requirement.
* **Streamlining of Service Provision**: In [TEGL 10-23](https://www.dol.gov/agencies/eta/advisories/tegl-10-23), states and local service providers are directed to streamline the intake and eligibility processes to reduce barriers for program participation. During intake, this involves limiting collection of documentation only to those elements required for eligibility. As the TEGL 10-23 states, Social Security Numbers are not required at intake and participants cannot be denied services if they decline to provide SSN. Collecting a SSN or work authorization may be required if a participant enters a training or employment-related activity. Self-attestation is a viable option for documenting most eligibility requirements.
* **Services for Youth Without Federally Issued Work Authorization:** TEGL 10-23 indicates that certain services are available to youth who do not have work authorization. Services that do not require work authorization verification include but are not limited to: labor exchange information, career exploration/guidance, resume writing, job search assistance, worker rights and legal assistance information, referrals to community resources, individualized services like development of employment plan, group counseling, one-on-one case management, basic skills education (including English language instruction and high school equivalency), assistance in completing paperwork to finalize work authorization, and assistance in applying for an occupational license.

Local program should delay the verification of work authorization until a participant is transitioning into services that necessitate such verification. This pragmatic approach prevents delays in service delivery and ensures that young adults can begin benefiting from available resources without undue wait times.

* **Services for Youth that Require Work Authorization Verification:** TEGL 10-23 describes the types of services that require youth to provide work authorization verification. These services include but are not limited to: job placement, occupational post-secondary training, work experience, supportive services that represent direct financial benefit such as a voucher or reimbursement, relocation expenses, or needs-related payments. Service providers may postpone verifying work authorization until a participant is moving into services that require work authorization. Service providers must verify that an individual has been granted work authorization prior to delivering the services previously identified under this heading. Note: a copy of work authorization documentation is not required for a participant file. DOL encourages viewing a participant’s documents and note in the case file that the participant has an employment authorization document.

Relevant Laws, Rules, or Policies

[Workforce Innovation and Opportunity Act (Public Law 113-128)](https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf)

[WIOA Final Rule (Dated 08-19-2016)](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf)

[WIOA Final Rule: Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (Dated 08-19-2016)](https://www.gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15977.pdf)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-14 (Dated 3-26-15)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4244)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 8-15 (Dated 11-17-15)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6073)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 21-16 (Dated 3-2-17)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7159)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 7-18 (Dated 12-19-18)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=4255)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 14-18 (Dated 3-25-19)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7611)

[U.S. Dept. of Labor Training and Employment Notice No. 22-19 (Dated 4-3-20)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=8754)

[Office of Management and Budget Code of Federal Regulations 2 CFR 200](https://gov.ecfr.io/cgi-bin/text-idx?SID=970b58af63fde7ba10fd201add7ec48c&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl) (Uniform Guidance)

[U.S. Dept. of Labor Training and Employment Notice No. 12-21 (Dated 10-15-21)](https://wdr.doleta.gov/directives/corr_doc.cfm?docn=9977)

[U.S. Dept. of Labor Training and Employment Notice No. 14-21 (Dated 10-27-21)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=6118)

[U.S. Dept. of Labor Training and Employment Notice No. 18-21 (Dated 1-4-22)](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3439)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 10-16, Change 2 (Dated 9-15-22)](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2022/TEGL%2010-16%20Change%202/TEGL%2010-16%20Change%202.pdf)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-19, Change 1 (Dated 10-25-22](https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEGL/2019/TEGL%2023-19%20Change%201/TEGL%2023-19%2C%20Change%201%20%28Complete%20document%29.pdf))

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 9-22 (Dated March 2, 2023)](https://www.dol.gov/agencies/eta/advisories/tegl-09-22)

[U.S. Dept. of Labor Training and Employment Guidance Letter No. 23-19, Change 2 (Dated 5-12-23)](https://www.dol.gov/agencies/eta/advisories/tegl-23-19-change-2)

[U.S. Dept. of Labor Training and Employment Guidance Letter 10-23 (Dated 2/21/24)](https://www.dol.gov/agencies/eta/advisories/tegl-10-23)

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Policy

* + 1. **Out of School Youth (OSY) Expenditure Requirement:** WIOA increased the minimum OSY expenditure rate for the youth formula-funded program from 30% under WIA to 75% under WIOA. Minnesota has a DOL-approved waiver to the 75% OSY expenditure rate for WDAs providing enhanced services to in-school foster or homeless youth. WDAs have the option to include the waiver in their Local Youth Plans (see Planning Instructions for Local Youth Plans). The OSY expenditure rate is calculated after subtracting funds spent on administrative costs.
    2. **Program Design:** There are limited instances where WIOA youth funds may be expended on costs related to individuals who are not yet participants in the WIOA youth program. Youth funds can be expended on outreach and recruitment or assessment for eligibility determination (such as assessing basic skills level), or time spent developing the applicant’s Individualized Service Strategy (ISS) prior to program enrollment, but funds cannot be spent on other youth program services until the young person is enrolled. In addition, certain basic individualized services may be given to youth without work authorization as outlined in [TEGL10-23](https://www.dol.gov/agencies/eta/advisories/tegl-10-23).

Human-Centered Design for Service Delivery local programs must introduce the concept of using a human-centered design approach to continually improve service delivery. This involves understanding the needs, challenges, and experiences of young adults through their perspective, ensuring the program designs and services are both responsive and effective.

The WIOA youth program design requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Assessments must also consider a youth’s strengths rather than just focusing on areas that need improvement.

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. For purposes of the basic skills assessment portion of the objective assessment, local programs are NOT required to use assessments approved for use in the Department of Education’s National Reporting System (NRS). Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. It is important that, in addition to being valid and reliable, any formalized testing used be appropriate, fair, cost effective, well-matched to the test administrator’s qualifications, and easy to administer and interpret results. Alternatively, skills related gains may also be determined through less formal alternative assessment techniques such as observation, folder reviews, or interviews. The latter may be particularly appropriate for youth with disabilities given accessibility issues related to formalized instruments. Local programs may use previous basic skills assessment results if such previous assessments have been conducted within the past six months.

All youth, including youth with disabilities, can benefit from participation in career assessment activities, including, but not limited to, assessments of prior work experience, employability, interests, and aptitudes. Multiple assessment tools may be necessary since there is no standard approach that works for all youth, including youth with disabilities. Career assessments help youth, including those with disabilities, understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes, and skills) affect their potential success and satisfaction with different career options and work environments. Youth also need access to reliable information about career opportunities (based on labor market information) that provide a living wage, including information about education, entry requirements, and income potential. Youth with disabilities also may need information on benefits planning, work place supports (e.g., assistive technology), and accommodations, and also may benefit from less formalized career-related assessments such as discovery techniques. These assessments may be provided directly through WIOA youth program staff, and/or through referrals to national and community-based partners and resources.

Incentive payments to youth participants are permitted for recognition and achievement directly tied to training and/or work experience goals identified in the participant’s Individual Service Strategy (ISS). The local program must also have written policies and procedures in place governing the award of incentives and must ensure that such incentive payments are tied to the goals of the specific program; outlined in writing before the commencement of the program that may provide incentive payments; align with the local program’s organizational policies; and are in accordance with the requirements contained in 2 CFR part 200.

While incentive payments are allowable under WIOA, the incentives must be in compliance with the federal cost principles set forth in 2 CFR part 200. For example, Federal funds must not be spent on entertainment, such as movie or sporting event tickets or gift cards to movie theaters or other venues whose sole purpose is entertainment. Additionally, internal controls are required per federal policies to safeguard cash, including gift cards, which are essentially cash.

DOL recognizes that incentives can be used as motivators for various activities such as recruitment, submitting eligibility documentation, and participation in the program. However, incentives paid for with WIOA funds must be connected to recognition of achievement of milestones in the program tied to work experience, education, or training. Local areas may leverage private funds for incentives that WIOA cannot fund. Incentive payments may be provided to both ISY and OSY as long as they comply with the requirements of 20 CFR § 681.640. **Incentive payments may not be made to participants who do not have work authorization.**

* + 1. **Youth Standing Committees:**  Even though WIOA eliminated the requirement for Local WDBs to establish a Youth Council, DOL encourages Local WDBs to maintain “a standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth,” as permitted by Sec. 107(b)(4)(A)(ii) of WIOA. The Local WDB may also choose to not have a standing youth committee at all. If so, the Local WDB is still responsible for conducting oversight of youth workforce development activities under WIOA section 129(c) and identifying eligible providers of youth workforce development activities in the WDA by awarding grants or contracts on a competitive basis.

Under Title I of WIOA, Youth Standing Committees represent a new mechanism for states and local boards to coordinate area-wide youth services, assist with planning, and oversee operational programs related to youth services. With the appropriate authority from Local Boards, Youth Standing Committees can serve as architects in designing and building comprehensive youth services at the local level. The Youth Standing Committees can help to identify gaps in services and develop a strategy to use competitive selections or community partnerships to address the unmet needs of youth. Youth Standing Committees should coordinate youth policy, ensure quality services, leverage financial and programmatic resources, and recommend eligible youth service providers.

1. **Membership of Youth Standing Committee**: If a Local Board decides to form a Youth Standing Committee, the committee must include a member of the Local WDB, who chairs the committee, members of community-based organizations with a demonstrated record of success in serving eligible youth, and other individuals with appropriate expertise and experience who are not members of the Local Board. The committee members appointed for their experience may bring their expertise to help the committee address the employment, training, education, human and supportive services needs of eligible youth, including OSY. Members may represent agencies such as education, training, health, housing, public assistance, and justice, or be representatives of philanthropic or economic and community development organizations, and employers. The Youth Standing Committee may also include parents, participants, and youth.
2. **Program Elements:** WIOA section 129 (c)(2) includes 14 program elements, which include program elements previously required under WIA, plus new program elements. The five new program elements under WIOA include: financial literacy education; entrepreneurial skills training; services providing labor market and employment information about in-demand industry sectors or occupations; activities helping youth prepare for and transition to post-secondary education and training; and education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster. The full list of the 14 program elements under WIOA section 129(c)(2) is included in ATTACHMENT C. Certain services are available to youth without federal work authorization as indicated in [TEGL 10-23](https://www.dol.gov/agencies/eta/advisories/tegl-10-23)
3. **Expanded Work Experience Focus:** WIOA section 129 (c)(4) prioritizes work experiences and the requirement that local areas must spend a minimum of 20% of local WDA funds on work experiences for both ISY and OSY participants. Work experience expenditures include more than just wages paid to youth: wages/stipends paid for participation in a work experience; staff time working to identify and develop work experience opportunities; staff time working with employers to ensure successful work experiences; staff time spent evaluating the work experience; participant work experience orientation sessions; employer work experience orientation sessions; classroom training or the required academic education component directly related to the work experience; incentive payments directly tied to the completion of work experience; and employability skills/job readiness training to prepare youth for a work experience.

DOL encourages local programs to coordinate work experiences, particularly summer employment, with other youth serving organizations and agencies. Under WIOA, paid and unpaid work experiences that have as a component academic and occupational education may include the following four categories:

* + summer employment opportunities and other employment opportunities available throughout the school year;
  + pre-apprenticeship programs;
  + internships and job shadowing; and
  + on-the-job training opportunities.

1. **Partner Programs:** Given that WIOA broadens the required program elements and focuses on a more difficult to serve population, partnering is even more critical under WIOA. A primary goal of WIOA is to bring together, in strategic coordination, the core programs of Federal investment in skill development. WIOA encourages further alignment and leveraging, as appropriate, of the Title II Adult Education and Family Literacy Act and the Title IV Vocational Rehabilitation program resources and policies.
2. **Eligibility Criteria:** WIOA section 129 (a)(1) provides new eligibility criteria for WIOA Youth. To be eligible to participate, an individual must be an OSY or ISY. The OSY eligibility requirements are included in Attachment A. The ISY eligibility requirements are included in Attachment B. There are a number of significant changes in eligibility from WIA to WIOA. The pool of individuals that meet the eligibility as an OSY has significantly increased due to three changes: 1) increased age eligibility allows youth through age 24 to be eligible as OSY; 2) only two categories of OSY require low income for eligibility; and 3) those of compulsory school age who have not attended school in the most recent school year quarter, are considered OSY. For purposes of Title I of WIOA, DOL does not consider providers of Adult education (ABE), federal Youthbuild, Job Corps programs, high school equivalency programs, and dropout re-engagement programs to be “schools.” Therefore, WIOA youth programs may consider youth to be OSY for purposes of WIOA youth programs eligibility if they are attending ABE, federal Youthbuild, Job Corps, high school equivalency programs, and dropout re-engagement programs. Youth attending high school equivalency programs, including those considered to be dropout re-engagement programs, funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception; they are considered ISY.
3. **Determination of School Status:** Under the WIOA Young Adult Program eligibility requirements, the term “school” refers to both secondary and postsecondary school. Therefore, an individual attending either secondary or postsecondary is considered ISY. Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment—not at the time of application. Once the school status of a youth is determined, that school status remains the same throughout the youth’s participation in the WIOA youth program for purposes of reporting against the OSY expenditure requirement. For example, if a youth is determined to be an OSY at time of enrollment and subsequently re-enters high school or enrolls in postsecondary education, that youth is still considered an OSY for purposes of the OSY expenditure requirement throughout their participation in the WIOA Young Adult Program.

WIOA defers the definition of “school dropout” to state law. In Minnesota, the following are included in the definition of school dropout: 1) students with 15 consecutive days of unexcused absences (excluding school breaks and official days off of school); 2) students who are “voluntary” withdrawals from school (as described in MN Statutes 120A.22); 3) expelled students (as described in MN Statutes 121A.45). A youth’s eligibility status is determined at the time of enrollment; therefore, if a youth has not received a high school diploma, or a recognized equivalent, AND is not attending any school, he/she is considered a dropout and is an OSY. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school but subsequently returned. An individual who has dropped out of postsecondary education is not a “school dropout” for purposes of youth program eligibility.

In Minnesota, school is defined as a “public school, or nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24” (MN Statutes 120A.22, subdivision 4). Under the WIOA Youth eligibility requirements, the term “school” refers to both secondary and postsecondary school. Therefore, an individual attending either secondary or postsecondary is considered ISY.

If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is still considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education, even if they have not yet begun postsecondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for postsecondary education, but does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend postsecondary education.

If the youth participant is enrolled in any credit-bearing postsecondary education classes, including credit-bearing community college classes and credit-bearing continuing education classes, then they are considered attending postsecondary education, and, therefore, an ISY. If the youth is only enrolled in non-credit-bearing postsecondary classes, they would not be considered attending postsecondary school and, therefore, an OSY.

For purposes of WIOA, the Department does not consider providers of adult education under title II of WIOA, federal YouthBuild programs, the Job Corps program, high school equivalency programs, or dropout re-engagement programs to be schools. Therefore, in all cases except the one provided below, WIOA youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attend adult education provided under title II of WIOA, federal YouthBuild, Job Corps, high school equivalency programs, or dropout re-engagement programs regardless of the funding source of those programs. Youth attending high school equivalency (HSE) programs, including those considered to be dropout re-engagement programs, funded by the public K-12 school system who are classified by the school system as still enrolled in school are an exception; they are considered ISY.

An HSE program offers preparation for, and the taking of, tests which lead to a HSE degree. The “High School Equivalency: Resource Guide for the Workforce System” provides information about the options for high school equivalency and can be found at: [High School](http://www.careeronestop.org/FindTraining/Types/high-school-equivalency.aspx)  [Equivalency Resource Guide](http://www.careeronestop.org/FindTraining/Types/high-school-equivalency.aspx). A dropout re-engagement program conducts active outreach to encourage out-of-school youth to return to school and assists such youth in resuming their education and/or training to become career ready. A re-engagement program or center may provide case management and other services to support youth in overcoming barriers that prevent them from returning to school or work. To learn more about dropout re-engagement centers and programs, see “Bringing Students Back to the Center: A Resource Guide for Implementing and Enhancing Re-Engagement Centers for Out-of-School Youth” and can be found at: [Re-Engagement Center Resource Guide](http://www2.ed.gov/programs/dropout/re-engagement-guide121914.pdf).

Local Workforce Development Boards must define their definition of “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment” for OSY in their local plan. The definition is slightly different for ISY; Local Workforce Development Boards must define in their Local Youth Plan their definition of “an individual who requires additional assistance to complete an educational program or to secure or hold employment” for ISY. This definition must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified objectively requires additional assistance. Examples may include: Migrant youth, incarcerated parent, behavior problems at school, family literacy problems, domestic violence, substance abuse, chronic health conditions, one or more grade levels below appropriate age, refugee.

In each local area, not more than five percent of the ISY newly enrolled in a given program year may be eligible based on the “requires additional assistance to complete an educational program or to secure or hold employment” criterion.

1. **Low-Income Individual Definition and High Poverty Area Criteria:** There are also significant additions to the definition of “low-income individual” for the WIOA Young Adult Program. Under WIOA, a youth who receives or is eligible to receive a free or reduced price lunch under the National School Lunch Act, is considered low-income.

In addition, a youth living in a high-poverty area is automatically considered to be a low-income individual. A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-Year data.

1. **WIOA Youth Primary Indicators of Performance:** WIOA section 116(b)(2)(A)(ii) includes five indicators of performance for the WIOA youth program:  
     
   - Youth Education/Employment/Training Rate - 2nd Quarter after Exit;  
   - Youth Education/Employment/Training Rate - 4th Quarter after Exit;  
   - Credential Attainment;  
   - Median Earnings - 2nd Quarter after Exit; and,  
   - Measurable Skill Gains  
     
   A sixth measure, “Effectiveness in Serving Employers” applies across all Title I and III programs and will be administered and managed at the agency level.

Attachment A

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) OUT OF SCHOOL YOUTH ELIGIBILITY REQUIREMENTS

The Workforce Innovation and Opportunity Act (WIOA) requires that an individual meet the following criteria at the time of enrollment to be eligible for services as an out-of-school youth:

1. Not attending any school (as defined under State Law)1; AND
2. Not younger than 16 nor older than 24 at time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; AND
3. One or more of the following:
   1. School dropout2;
   2. Within the age of compulsory school attendance3, but has not attended school for at least the most recent complete school year calendar quarter. 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;
   3. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
   4. An offender;
   5. A homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;
   6. 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 U.S.C. 677), or in an out-of-home placement;
   7. An individual who is pregnant or parenting;
   8. An individual with a disability; or
   9. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

1 In Minnesota, **school** is defined as a “public school, or nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24” (MN Statutes 120A.22, subdivision 4). Part 681.230 of the WIOA draft regulations includes post-secondary institutions as schools for the purposes of this definition. Adult Education programs, federal YouthBuild and Job Corps programs, high school equivalency programs, and dropout re-engagement programs are not considered to be schools according to this section of the draft regulations.

2 In Minnesota, the following are included in the definition of school **dropout**: 1) students with 15 consecutive days of unexcused absences (excluding school breaks and official days off of school); 2) students who are “voluntary” withdrawals from school (as described in MN Statutes 120A.22); 3) expelled students (as described in MN Statutes 121A.45).

3 In Minnesota, the **compulsory age** of attendance is 17 (MN Statutes 120A.22, subdivision 5).

Attachment B

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) IN-SCHOOL YOUTH ELIGIBILITY REQUIREMENTS

The Workforce Innovation and Opportunity Act (WIOA) requires that an individual meet the following criteria at the time of enrollment to be eligible for services as an in-school youth:

1. Attending school (as defined under State Law)4; AND
2. Not younger than age 14 or older than age 21. 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; AND
3. A low-income individual5; AND
4. One or more of the following:
   1. Basic skills deficient;
   2. An English language learner;
   3. An offender;
   4. A homeless individual aged 14 to 21 who meets the criteria defined in sec. 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))), or a runaway;
   5. 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 U.S.C. 677), or in an out-of-home placement;
   6. An individual who is pregnant or parenting;
   7. An individual with a disability; or
   8. An individual who requires additional assistance to complete an educational program or to secure or hold employment.

4 In Minnesota, **school** is defined as a “public school, or nonpublic school, church or religious organization, or home school in which a child is provided instruction in compliance with this section and section 120A.24” (MN Statutes 120A.22, subdivision 4). Part 681.230 of the WIOA draft regulations includes post-secondary institutions as schools for the purposes of this definition. Adult Education programs, federal YouthBuild and Job Corps programs, high school equivalency programs, and dropout re-engagement programs are not considered to be schools according to this section of the draft regulations.

5 Under WIOA, students eligible for free or reduced lunch and youth who live in a high poverty area are considered “low-income individuals.” (WIOA, Sec 3(36)(A)(iv). While the free/reduced lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY. 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 his/her child’s qualification.

Attachment C

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) REQUIRED YOUTH PROGRAM ELEMENTS

(Certain services are allowed to be given to youth without work authorization as cited in [TEGL 10-23](https://www.dol.gov/agencies/eta/advisories/tegl-10-23))

The full list of the 14 program elements under WIOA section 129(c)(2) consists of:

(1) Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized post-secondary credential;

(2) Alternative secondary school services, or dropout recovery services, as appropriate;

(3) Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

(a) summer employment opportunities and other employment opportunities available throughout the school year;

(b) pre-apprenticeship programs;

(c) internships and job shadowing; and

(d) on-the-job training opportunities;

(4) Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations in the local area involved, if the Local Board determines that the programs meet the quality criteria described in WIOA sec. 123;

(5) Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(6) Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors;

(7) Supportive services;

(8) Adult mentoring for a duration of at least 12 months that may occur both during and after program participation;

(9) Follow-up services for not less than 12 months after the completion of participation;

(10) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and mental health counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth;

(11) Financial literacy education;

(12) Entrepreneurial skills training;

(13) Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services; and

(14) Activities that help youth prepare for and transition to post-secondary education and training.