**WIOA Young Adult Program**

**Chapter 02: Eligibility and Targeting**

Summary

This establishes eligibility criteria for youth applying for services under the WIOA Youth Formula Grant. An eligibility determination for participants must be made prior to providing services in order to comply with the WIOA requirements.

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. 19-14 (Dated 2-19-15)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7353) [U.S. Dept. of Labor Training and Employment Guidance Letter No. 12-14 (Dated 10-28-14)](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3475) [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)

[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 3-2-23)](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

# Eligibility Determination

Under WIOA, different eligibility criteria are used for youth who are considered to be “in-school youth” and those who are “out of school” at the time of enrollment.

The term ‘‘**In-School Youth**’’ means an individual who is—

1. Attending school (as defined by State law), including secondary and postsecondary school; AND not younger than age 14 or older than age 21 at time of enrollment. 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
2. a low-income individual; AND
3. 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.

An **“Out-of-School Youth”** refers to an individual who is—

1. Not attending any school (as defined under State law); AND
2. Not younger than age 16 or older than age 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. A school dropout.
	2. 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. 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.

**High Poverty Area:**

A youth who lives 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.

# Additional Assistance Barrier:

Local Workforce Development Boards must define in their Local Youth Plan their definition of “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment” for OSY. 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.

# Use of Funds Requirement for Out-of-School Youth:

WIOA requires that Workforce Development Areas (WDAs) use at least 75 percent of their youth allocation under WIOA to provide services to out-of-school youth.

# School Dropout:

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.

# Not Attending Any School:

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 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. It is very important to note that this scenario assumes the young person was already enrolled as an ISY and has NOT been exited by the service provider. 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 participant was already enrolled as an ISY, he/she would still be considered an ISY by virtue of their school status at the time of enrollment.

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).

# Determination of School Status:

Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment. 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.

**Registered for Post-Secondary Education**

For purposes of determining WIOA school status at time of enrollment ONLY, a WIOA youth applicant or participant is considered to be “registered” for post-secondary (and, therefore, an ISY) if:

* Any amount of money is paid, in whole or in part, towards postsecondary tuition and fees for an upcoming term; AND/OR,
* Scholarship funds are obligated or expended—all or in part—on behalf of the participant; AND/OR,
* Grant funds are obligated or expended—all or in part—on behalf of the participant.

**Not Registered for Post-Secondary Education**

A WIOA young adult participant is NOT considered registered for post-secondary if the following have occurred (without any of the previous three registration criteria listed above):

* Funds are expended for application fees to one or more post-secondary institutions; AND/OR,
* Funds are expended for supplies, books or other items not otherwise included with any tuition cost generated by the post-secondary institution (for instance, a lab fee); AND/OR;
* Funds are expended for relocation or housing expenses in anticipation of beginning classes in the upcoming term; AND/OR,
* A WIOA young adult participant attends a school-sponsored orientation program but does NOT formally register for classes in the upcoming term.

Per DOL guidance, if the youth is only enrolled in non-credit bearing postsecondary classes, they would NOT be considered to be attending postsecondary school and, therefore, an OSY. Likewise, a person auditing a class and NOT receiving credit for it would also continue to be an OSY.

**Transitioning Eligible WIOA Youth from ISY to OSY**

It is possible to transition from ISY to OSY, but timing is critical. This typically applies to an individual who has just earned a secondary school diploma (or equivalent) and now wants to go on to postsecondary education.

Under WIOA youth performance, a participant can earn his or her diploma (or other recognized credential) and receive performance credit if the credential is received within 365 days after the participant’s date of exit under WIOA. Under WIOA (and existing State of Minnesota data policy), at least 91 days must pass from the date the participant completed his or her last open activity (e.g. exits) from the previous enrollment before a new, separate enrollment can occur without adversely affecting performance associated with that person.

If the applicant enrolls in a second sequence of WIOA Youth, at least 91 days must pass from exit and must not have met any of the three previously listed post-secondary registration criteria. Assuming all other eligibility criteria are met, the applicant must be an OSY at the time the enrollment is accepted by Workforce One.

# Five Percent Window For Non-Income Eligible In-School and Out-of-School Youth:

The 5% window for non-income eligible individuals applies to in-school youth and out-of-school youth. A program must calculate the five percent 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. This would reflect the two low-income eligibility categories for OSY and ALL eligibility categories for ISY.

For example, a local area enrolled 200 youth and 100 of those youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low- income criteria and 50 were ISY. In this example the 50 OSY required to be low-income and the 50 ISY are the only youth factored into the 5 percent low-income exception calculation. Therefore, in this example, 5 of the 100 youth who ordinarily would be required to be low-income do not have to meet the low- income criteria based on the low-income exception. This percent is calculated at the end of a program year based on new enrollees in that program year.

Listed below are the criteria that have a low-income eligibility requirement (All ISY and two categories for OSY) in which the five percent (5%) window applies:

In-School Youth:

* Basic skills deficient;
* An English language learner;
* An offender;
* A homeless individual, or a runaway,
* An individual in foster care or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance, or in an out-of-home placement;
* Pregnant or parenting;
* An individual with a disability; or
* An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. This should be used ONLY when no other barrier(s) to employment are identified.

Out-of-School Youth:

* A recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English Language Learner
* An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. This should be used ONLY when no other barrier(s) to employment are identified.

**Low-Income Individual:** The term ‘‘low-income individual’’ means an individual who:

# (a) 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 program of block grants to States for 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;

# (b) is in a family with total family income that does not exceed the higher of—

#  (I) the poverty line; or

#  (II) 70 percent of the lower living standard income level;

# (c) 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)));

# (d) 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.) See important footnote below[[1]](#footnote-1);

# (e) is a foster child on behalf of whom State or local government payments are made; or

# (f) is an individual with a disability whose own income meets the income requirement of clause (b), but who is a member of a family whose income does not meet this requirement.

\*The term “low-income” also includes a youth living in a high-poverty area (WIOA Sec. 129 (2)).

Basic Skills Deficient: The term ‘‘basic skills deficient’’ means, with respect to an individual—

1. Have English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test; or
2. Are 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.

All Minnesota WDAs are required to include the definition of “basic skills deficient” in their local youth plans.

**Family of One:** An individual with a disability may be considered an unrelated individual who is a family of one for the purpose of income eligibility determination under WIOA.

In determining whether an individual without a disability can be considered to be a family unit of one, eligibility specialists are to consider the following:

* An individual 14 years of age or older, not living with his/her family, and receiving less than 50 percent maintenance from the family in the 6 month period prior to program application;
* An individual 18 years of age, living with his/her family, receiving less than 50 percent maintenance from the family in the 6 month period prior to program application, and is not the principal earner nor the spouse of the principal earner.

**Right to Work/Undocumented Youth:** In order to take full advantage of all WIOA Youth program elements, participants must be citizens or nationals of the United States, lawfully admitted permanent residents, lawfully admitted refugees and parolees, or other individuals authorized by the Attorney General to work in the United States.

TEGL 10-23 indicates that certain services are available to youth who meet all WIOA Youth Program eligibility criteria but do NOT have work authorization. Services that do NOT require work authorization verification include:

* Labor exchange services such as labor market information, career exploration, career guidance, resume writing assistance, and job search assistance.
* Information on worker rights and where to find legal assistance.
* Referrals to community resources such as transportation, childcare support, food assistance, housing assistance, medical assistance, and other similar resources.
* Individualized services such as career assessments, development of an individual employment plan or individual service strategy, group counseling, one-on-one case management, career planning, information on foreign credential evaluation services and on obtaining credit for prior learning.
* Basic skills education, including English language instruction and high school equivalency.
* Assistance in completing paperwork to finalize work authorization.
* Assistance in applying for an occupational license including the cost of such applications.
* Outreach to workers regarding the Employment-Relate Law Complaint System and processing of such complaints.

In order to receive the following services, a participant must provide verification of work authorization:

* Job placement.
* Occupational post-secondary training.
* Work experience.
* Supportive services that represent a direct financial benefit such as a voucher or reimbursement, relocation expenses, or needs-related payments.

Grantees can postpone verifying work authorization documentation until the participant is moving into services that require such authorization. Grantees must verify that an individual has been granted work authorization prior to delivering those services identified above as requiring verification of work authorization documentation. While a copy of such documentation is not required for a participant file, case managers are encouraged to see the participant’s documents and note in the case file that the participant has an employment authorization document.

**Military Selective Service Act Requirement**. All male WIOA participants 18 years of age or older (and any person identified as “male” on their birth certificate) must be in compliance with the Military Selective Service Act (MSSA) registration requirements. Males born on or after January, 1960 and who have attained their 18th birthday are required to register with Selective Service. Compliance with MSSA CANNOT self-attested. It must be documented.

Related Links

[Workforce GPS- WIOA Youth Program Eligibility Resources (3/16/2017)](https://youth.workforcegps.org/resources/2017/03/09/11/34/WIOA-Youth-Program-Eligibility)

[DEED Youth Webpage](https://mn.gov/deed/programs-services/office-youth-development/)

1. Beginning July 1, 2023, the State of Minnesota will pay for free school meals for all students regardless of income. A participant must be eligible for free or reduced-price lunch benefits under the National School Lunch Act in order to be considered a low-income youth under this provision. [↑](#footnote-ref-1)