



**Local Workforce Innovation And Opportunity Act (WIOA) Policy No. 2016-PL-04**

**To:** All Delegate Agencies, One-Stops and Sector Centers

**From:**

  
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CEO, Chicago Cook Workforce Partnership

**Subject:** YOUTH ELIGIBILITY

**Date:** December 8, 2016

**Purpose:**

The purpose of this policy is to define In-School and Out-of-School eligibility under WIOA.

**References:**

Illinois Department of Commerce (IDOC) WIOA POLICY 15- WIOA- 4.4

U.S. Department of Labor WIOA Final Rule 20CFR Part 681

**Background:**

WIOA youth eligibility addresses the requirements for In-School and Out-of-School youth at the time of eligibility determination.

**POLICY:**

- A. A “youth” customer of WIOA must meet general eligibility requirements and, at the time of eligibility determination, meet the requirements for an In-School or an Out-of-School youth.

**1. Out-of-School Youth Eligibility Requirements**

To be provided services under the youth funding stream as an “Out-of-School” youth, the individual must be:

- a) Not attending any school as defined under state law. Individuals attending Adult Education provided under Title II of WIOA, Youth Build, Job Corps, General Education Development and Dropout Prevention/Recovery are not considered In-School under WIOA and are classified as Out-of-School youth;

- b) Not younger than age 16 or older than age 24; and
- c) One or more of the following:
  - i. A school dropout as defined by the state, or
  - ii. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter as defined by the school district and the applicable school based on the student's residence or assignment; or
  - iii. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual **and is**:
    - a. Basic skills deficient, defined as a youth who 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. **or**
    - b. An English language learner; or
  - iv. Subject to the juvenile or adult justice system; or
  - v. Homeless<sup>1</sup>, a homeless child or youth<sup>2</sup>, a runaway, in foster care **or** aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act<sup>3</sup>, **or** in an out-of-home placement; or
  - vi. Pregnant or parenting; or
  - vii. An individual with a disability<sup>4</sup>; or
  - viii. A low-income individual requiring additional assistance to enter **or** complete an educational program **or** to secure or hold employment. (*See the Chicago Cook Workforce Partnership Policy on Low Income No. 2016-PL-05*)
- d) For individuals required to attend school under applicable state compulsory school attendance laws, the priority of assistance shall be for the individual to attend school regularly.

## **2. In-School Youth Eligibility Requirements**

To be provided services under the youth funding stream as an "In-School" youth, the individual must be:

- a) Attending school (as defined by state law);
- b) Not younger than 16 or older than 21;
- c) A low-income individual, including an individual that receives or is

<sup>1</sup> As defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6)).

<sup>2</sup> As defined in Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 114343(2)).

<sup>3</sup> 42 USC 677

<sup>4</sup> As defined in Section 3 of the Americans with Disabilities Act of 1990 (42 USC 12102). Refer to 20 CFR 681.280 for income parameters.

eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (*See the Chicago Cook Workforce Partnership Policy on Low Income No. 2016-PL-05*) and

d) **One or more of the following:**

- i. Basic skills deficient.
- ii. An English language learner.
- iii. An offender.
- iv. Homeless<sup>5</sup>, a homeless child or youth<sup>6</sup>, a runaway, in foster care or aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act<sup>7</sup>, or in an out-of-home placement.
- v. Pregnant or parenting.
- vi. An individual with a disability<sup>8</sup>.
- vii. An individual requiring additional assistance to enter or complete an educational program or to secure or hold employment. *WIOA In-School Youth providers are limited to enroll 5% of total youth served in a program year who are eligible under the youth needing assistance criterion, unless otherwise approved by The Partnership.*

B. Individuals who choose to access the youth program based solely on disability as an eligibility criterion will be required to provide evidence of disability.

1. If an individual is determined eligible for the youth program based on other eligibility criteria or if disability status is disclosed after enrollment, disability self-attestation is sufficient for the individual's file.
2. Additional evidence of disability is not required if the youth eligibility determination is not made based solely on disability.

C. Evidence of eligibility **must** be maintained in the individual's case file. A list of documents acceptable to support general eligibility can be found in the Illinois Department of Commerce's "WIOA 1B General and Fund Source Eligibility Requirements and Documentation Source Guide". This guide is an attachment to IDOC POLICY 15-WIOA 4.1 located on the Illinois WorkNet website at [www.illinoisworknet.com/WIOA/Resources/Pages/WIA-WIOAPolicies](http://www.illinoisworknet.com/WIOA/Resources/Pages/WIA-WIOAPolicies)

**Effective Date:**

Immediately upon Board approval.

<sup>5</sup> As defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 USC 14043e-2(6)).

<sup>6</sup> As defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 USC 11434a(2))

<sup>7</sup> 42 USC 677

<sup>8</sup> [1] As defined in section 3 of the ADA Amendment Act (ADAAA) of 2008 (42 USC 12101 & 12102). Refer to 20 CFR 681.280 for income parameters.