



LOS ANGELES COUNTY

WIOA YOUTH PROGRAMS

DIRECTIVE

NUMBER: WIOA YD16-02

**SUBJECT: WIOA Youth Program Requirements and
Determining High Poverty Areas**

DATE: November 7, 2016

EFFECTIVE DATE: September 29, 2016 Page 1 of 6

TO: WIOA YOUTH SERVICE PROVIDERS

PURPOSE

This directive provides guidance regarding updates to the Workforce Innovation and Opportunity Act (WIOA) Youth Program requirements and the determination of High Poverty Areas and is based on training your agency received on September 29, 2016.

BACKGROUND

The WIOA (Pub. L. 113-128) was signed into law by President Barack Obama on July 22, 2014. WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

Operational implementation of the WIOA youth program began July 1, 2015, with all provisions taking effect July 1, 2016. The U.S. Departments of Labor and Education announced the publication of the WIOA Final Rules on Friday, August 19, 2016.

POLICY AND PROCEDURES

This Directive contains some state-imposed requirements. All state-imposed requirements are indicated by ***bold, italic*** type.

Youth Eligibility Criteria

The WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA youth program. To be eligible for the program youth must meet specific Out of School (OSY) or In-school Youth (ISY) criteria. Currently Los Angeles County prioritized services to OSY with its WIOA dollars. Service providers shall ensure that only OSY are supported with WIOA funds, although other funding resources may also be leveraged to provide youth with the highest quality services.

Definitions

For the purpose of establishing eligibility, the following definitions apply:

School – any secondary or post-secondary school (Section 681.230, WIOA, Final Act).

Secondary School – a nonprofit institutional day or resident school, including a public secondary charter school, that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12. (Title 20 CFR Part A Section 9101[38])

Post-secondary school – California community colleges, and accredited public and private universities. (EC Section 66010)

Attending School – an individual is considered to be attending school if the individual is enrolled in secondary or post-secondary school. ***These include, but are not limited to: traditional K-12 public and private, and alternative (e.g., continuation, magnet, and charter) schools.***

Not Attending School – an individual who is not attending a secondary or post-secondary School

Individuals enrolled in the following programs would be considered an OSY youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, or Job Corp (Section 681.230, WIOA, Final Act).
- ***A charter school program that provides instruction exclusively in partnership with WIOA, federally-funded Youth Build programs, federal Job Corps training or instruction, or California Conservation Corps or a state certified local conservation corps (in alignment with EC Section 47612.1).***

Adult Education – academic instruction and education services below the post-secondary level that increases an individual's ability to: read, write, and speak in English and perform mathematics or other activities necessary for the attainment of a secondary school diploma or its recognized equivalent; transition to post-secondary education and training; and obtain employment. (WIOA Section 203)

School dropout – an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. (WIOA 3[54]) Per TEGL 8-15, this term does not include individuals who dropped out of post-secondary school.

Alternative school – an alternative school is a type of school designed to achieve grade-level (K-12) standards and meet student needs (EC Section 58500). ***Examples of alternative schools include, but are not limited to, continuation, magnet, and charter***

schools. If the youth participant is attending an alternative school at the time of enrollment, the participant is considered to be in-school.

OSY Eligibility

In order to receive services as an OSY, an individual must meet the following eligibility criteria:

1. Not attending any secondary or post-secondary school (***not including Title II Adult Education, Job Corps, Youth Build, or charter schools with federal and state workforce partnerships.***)
2. Age 17-24 years old
3. One (1) or more of the following barriers:
 - a. A school dropout.
 - b. 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. (Note that, “school year quarter” is defined by the local school district calendar).
 - c. 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.
 - d. An individual who is subject to the juvenile or adult justice system.
 - e. A homeless individual, a runaway, an individual who is 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*, or an individual who is in an out-of-home placement.
 - f. An individual who is pregnant or parenting.
 - g. An individual with a disability.
 - h. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

(Reference: WIOA Section 129[a][1][B])

A youth participant’s eligibility is determined at intake; therefore, the youth remains eligible for youth services until exited. For example, an individual who is an OSY at time of enrollment and is subsequently placed in a GED program at an adult school, or any school, is still considered an OSY. Additionally, an individual who is an OSY and between the ages of 17-24 at the time of enrollment, and is now beyond the age of 24, is still considered an OSY youth until exited.

Low-Income

Under WIOA, a youth who receives or is eligible to receive a free or reduced lunch under the Richard B. Russell National School Lunch Act, is considered to be 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 defined as ***an area identified by the American Community Survey 5-Year Data to have a poverty rate of 25 percent and above.*** (Section 281.260 WIOA; Final Rule).

Determining, Verifying and Documenting a High Poverty Area for OSY Eligibility Purposes

A youth living in a high-poverty area is automatically considered to be a low-income individual. If low-income is the identifying barrier for establishing OSY eligibility as described in categories 3c or 3h; the low-income status shall be verified and documented in addition to the other criteria within those categories.

To verify that an applicant resides in a high poverty area, service providers shall utilize the below website to access the Map Application.

<http://lacounty.maps.arcgis.com/apps/webappviewer/index.html?id=d867c2e1433b4d0088439845377aa44f>

The Map Application identifies High Poverty Areas at or above 25% via census tracks as determined by the State of California Employment Development Department. Service providers shall enter the youth's address into the Map Application. If the youth resides in a high poverty area, the census track will appear darkened. Service providers shall print a screen shot reflecting the map containing the poverty rate and the address of the youth.

Service providers shall then substantiate the low income residency in a high poverty area by ensuring that one (1) of the following documents is also in the youth file:

- California Identification Card
- California Drivers License
- Recent correspondence sent to youth address (in last 12 months)
- Work Permit (prior to application date)
- Recent School records (in last 12 months)

Once the high poverty has been verified and substantiated the printout shall be placed in the youth file and the high poverty status shall be recorded in CalJOBS.

For a step-by-step guide see the Map Application Guide (Attachment A).

Low-Income Exception

The WIOA maintains a 5 percent low-income eligibility exception where 5 percent of Local Area youth participants who ordinarily would need to be low-income do not need to meet the low income provision. However, because not all OSY are required to be low-income, the 5 percent low-income exception under WIOA is calculated based on the 5 percent of youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. The 5 percent low-income exception may include OSY under eligibility categories 3c and 3h aforementioned, ISY, or a combination of both, not to exceed 5 percent of all WIOA youth participants served for a given program year.

Requires Additional Assistance

Service providers shall utilize the following examples as a guide to establish that a youth requires additional assistance. The examples may include, but are not limited to, the following:

- Has repeated at least one (1) secondary grade level or is one year over age for grade.
- Has a core grade point average (GPA) of less than 1.5 in secondary school.
- Are emancipated youth.
- Has aged out of foster care.
- Are previous dropouts or have been suspended five or more times or have been expelled.
- Involved in gang activity.
- Alienated by sexual orientation.
- Are deemed at risk of dropping out of school by a school official.
- Has been referred to or are being treated by an agency for a substance abuse related problem.
- Is 20 to 24 years old and never held a job.
- Has experienced recent traumatic events, are victims of abuse, or reside in an abusive environment as documented by a school official or other qualified professional.
- Has serious emotional, medical or psychological problems as documented by a qualified professional.

Work Experience Criteria

Work Experience provides OSY and ISY an invaluable opportunity to develop work place skills. Paid and unpaid work experiences must include academic and occupational education and may include the following:

- Summer employment opportunities and other employment opportunities available through the school year
- Pre-apprenticeships programs
- Internships and job shadowing
- On-the-job training opportunities

(Reference: Section 681.600, Final Rule)

The required academic and occupational education (e.g., workforce preparation activities, basic academic skills, and hands-on occupational skills training) must be taught within the same timeframe and connected to training in a specific occupation, occupational cluster, or career pathway [WIOA Section 129 (c)(2)(E) and CFR Section 681.640].

objective assessment and individual service strategy indicate that a work experience is appropriate. Additionally, WIOA funds may be used to pay staffing costs for the development and management of work experience.

As such, the staff time related to the work experience activities identified below may be considered a Program cost and *not* a personnel cost (TEGL 23-14). This effort directly supports the WIOA work experience expenditure requirement. Below is a sample of allowable staff time expenditures for the purpose of developing and maintaining work experience opportunities and the corresponding CalJOBS code. Agencies shall ensure the appropriate staff activity code is aligned with the appropriate youth(s).

ACTIONS

Los Angeles County Service Providers operating the WIOA Youth Program shall ensure that the requirements described herein are communicated throughout the operations, management and governance structures of the Service Provider's organization and that this Directive is appropriately maintained until further notice.

REFERENCES

- WIOA (Public Law 113-128)
- Title 20 CFR: "WIOA; "Sections 681 and 683
- Title 2 *Code of Federal Regulations* (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- EDD Directive 16-01 WIOA Youth Program Requirements, July 6, 2016

INQUIRIES

Questions regarding this Directive and the policies and procedures described herein should be directed to WIOAOPS@lacounty.gov.



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Attachments:

A: Map Application Guide