



January 27, 2022

Workforce Innovation and Opportunities Act (WIOA) Youth Program Manual Transmittal Letter No. 4

To: All Human Services Innovation Manual Holders, Local Elected Officials, Workforce Innovation and Opportunity Act (WIOA) Local Workforce Development Boards, Fiscal Agents, and OhioMeansJobs Center Operators

From: Matt Damschroder, Director

Subject: Workforce Innovation and Opportunities Act (WIOA) Youth Program

Purpose

This letter transmits a no-change rule. The rule in question governs the Workforce Innovation and Opportunities Act (WIOA) Youth Program. It is ultimately subject to review by the Joint Committee on Agency Rule Review (JCARR).

Background

This rule was reviewed and filed as a result of the mandated five-year review for Administrative Code Division 5101 Workforce Development, Chapter 5101:10-3 Workforce Innovation and Opportunity Act Youth Program, rule 5101:10-3-01 eligibility requirements. Based on this review, the authorized agency - Ohio Department of Job and Family Services (ODJFS) - has determined there is no need for revision to the rule.

Overview of Revisions

No change is proposed to the rule.

5101:10-3-01

**Workforce innovation and opportunity act youth program:
eligibility requirements.**

In accordance with section 5116.10 of the Revised Code, each individual who is an in-school youth or out-of-school youth that is age fourteen to twenty-four under the Workforce Innovation and Opportunity Act (WIOA) (2014) shall participate in the comprehensive case management and employment program (CCMEP) as a condition of enrollment in workforce development activities funded by the temporary assistance for needy families (TANF) block grant or WIOA if the local workforce development board authorizes the use of WIOA youth program funds for CCMEP.

(A) Definitions

- (1) "Attending school" means when an individual is enrolled in and/or attending a secondary or post-secondary school, including alternative secondary school services as referenced in section 3313.533 of the Revised Code.
- (2) "Basic skills deficient" means a youth who has English reading, writing, or computing skills at or below the eighth grade on a generally accepted standardized test or 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.
- (3) "Charter school" means a public, nonprofit, nonsectarian, tuition-free school operating independently of a school district, but under contract with a sponsor that has been approved by the Ohio department of education (ODE).
- (4) "Comprehensive case management and employment program" (CCMEP) means the integrated intervention program that combines the TANF and WIOA youth program to provide employment and training services to individuals ages fourteen through twenty-four years based upon a comprehensive assessment of the individual's needs.
- (5) "Covered Individual" means an eligible WIOA youth who is an in-school youth, or an out-of-school youth who is low income and meets one of the following criteria:
 - (a) Has a secondary school diploma or its recognized equivalent and is basic skills deficient or an English language learner.
 - (b) Requires additional assistance to enter or complete an education program or to secure or hold employment.

- (6) "English language learner" means an individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English or who lives in a family or community environment where a language other than English is the dominant language.
- (7) "Family" means per 20 C.F.R. 675.300 (08/2016), two or more persons related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:
 - (a) A married couple and dependent children.
 - (b) A parent or guardian and dependent children.
 - (c) A married couple.
- (8) "Homeless children and youths" as defined in 42 U.S.C. 11434a as in effect on January 1, 2019 means individuals who lack a fixed, regular, and adequate nighttime residence and includes the following:
 - (a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - (b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - (c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (d) Migratory children who qualify as homeless because the children are living in one of the previously mentioned circumstances.
- (9) "Homeless individual" as defined in 42 U.S.C. 14043e-2(6) as in effect on January 1, 2019 means an individual who lacks a fixed, regular, and adequate nighttime residence and includes:
 - (a) An individual who:
 - (i) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

- (ii) Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
 - (iii) Is living in an emergency or transitional shelter;
 - (iv) Is abandoned in a hospital; or
 - (v) Is awaiting foster care placement.
 - (b) An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
 - (c) Migratory children who qualify as homeless because the children are living in circumstances listed in this paragraph.
- (10) "Individual with a disability" means, per section 3(25) of WIOA, an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990, (42 U.S.C. 12102 as in effect on January 1, 2019).
- (11) "Low-income individual" means an individual who:
- (a) Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the supplemental nutrition assistance program (SNAP) established under the Food and Nutrition Act of 2008, the TANF program under part A of title IV of the Social Security Act, or the supplemental security income (SSI) program established under title XVI of the Social Security Act or state or local income-based public assistance;
 - (b) Is in a family with a total family income that does not exceed the higher of:
 - (i) The poverty line; or
 - (ii) Seventy per cent of the lower living standard income level;
 - (c) Is a homeless individual or a homeless child or youth;
 - (d) Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (02/2014). This does not include students in school districts participating in the community eligibility provision (CEP) Healthy, Hunger-Free Kids Act of 2010 as in effect January 1, 2019);

- (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 eligibility requirements of paragraph (A)(11)(b) of this rule, but who is a member of a family whose income does not meet this requirement as permitted in WIOA under section 3(36)(A)(vi) and 20 C.F.R. part 681.280.
- (12) "Offender" means, per section 3(38) of WIOA, an adult or juvenile who:
- (a) Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or
 - (b) Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.
- (13) "Postsecondary school" means any schooling that follows graduation from high school or completion of high school equivalency, including community colleges, four-year colleges and universities, and technical and trade schools.
- (14) "School dropout" means, as defined in section 3(54) of WIOA, an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.
- (15) "School year calendar quarter" means the timeframe identified as an academic quarter by the local school district or charter school that a youth last attended, or the calendar quarter if not defined by the district or school.
- (16) "Secondary school" means a school operated by a board of education, an alternative school established under section 3313.533 of the Revised Code, a community school established under Chapter 3314. of the Revised Code, or a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code that provides secondary education as determined under state law, except that the term does not include any education beyond grade twelve.

(B) How does a youth enroll in workforce development activities under WIOA funding?

Enrollment begins with completing the JFS 03002 "WIOA Youth Program Eligibility Application" (rev. 1/2018) and includes:

- (1) The collection of information necessary to support a WIOA youth program eligibility determination;

- (2) The completion of the comprehensive assessment per rule 5101:14-1-04 of the Administrative Code.
- (3) The completion of an individual opportunity plan (IOP) as described in rule 5101:14-1-04 of the Administrative Code.
- (4) The provision of one or more services described in rule 5101:14-1-02 of the Administrative Code.

(C) Who is eligible for CCMEP?

The following individuals who are at least fourteen but not more than twenty-four years of age are eligible to participate in CCMEP:

- (1) Participants in the Ohio works first (OWF) program that have been determined to be work-eligible in accordance with rule 5101:1-3-12 of the Administrative Code are required to participate in CCMEP.
- (2) Any OWF participant that has not been determined to be a work-eligible individual in accordance with rule 5101:1-3-12 of the Administrative Code may volunteer to participate in CCMEP.
- (3) Each in-school youth, or out-of-school youth registered for a WIOA program who is considered to have a barrier to employment under WIOA is required to participate in CCMEP unless the local workforce development board did not authorize the use of WIOA youth program funds for CCMEP.
- (4) Any individual receiving benefits and services under the prevention, retention, and contingency (PRC) program who volunteers for CCMEP within ninety calendar days of the date that PRC benefits or services are received.

(D) Who is an in-school youth?

An in-school youth is an individual who is attending school, including secondary and postsecondary school, not younger than fourteen years or older than age twenty-one years (unless an individual with a disability who is attending school under state law); is a low-income individual; and has one or more of the following barriers:

- (1) Basic skills deficient;
- (2) An English language learner;
- (3) An offender;

- (4) A homeless individual, a homeless child or youth, or a runaway;
- (5) An individual in foster care or who has aged out of the foster care system or has attained sixteen years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under John H. Chafee foster care independence program, or in an out-of-home placement;
- (6) An individual who is pregnant or parenting (who may be a custodial or non-custodial mother or father);
- (7) An individual with a disability; or
- (8) An individual who requires additional assistance to complete an education program or to secure or hold employment as defined in the state plan and by local policy.

(E) Who is an out-of-school youth?

An out-of-school youth is an individual who is not attending any school; not younger than sixteen years or older than age twenty-four years; and has one or more of the following barriers:

- (1) A school dropout;
- (2) A youth who is not younger than sixteen years, who is younger than eighteen years, who has not attended school for at least the most recent complete school year calendar quarter and who is not excluded from school attendance requirements per section 3321.03 of the Revised Code;
- (3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner;
- (4) An offender;
- (5) A homeless individual, a homeless child or youth, or a runaway;
- (6) An individual in foster care or who has aged out of the foster care system or has attained sixteen years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under the John H. Chafee foster care independence program, or in an out-of-home placement;
- (7) An individual who is pregnant or parenting (who may be a custodial or noncustodial mother or father);

- (8) A youth who is 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 as defined in the state plan and by local policy.
- (F) What criteria are used to determine whether an applicant is an in-school youth or out-of-school youth?
- (1) For the purposes of determining in-school status, the school attended may be either a secondary school (including alternative secondary school services) or postsecondary school. If the youth participant is enrolled in credit-bearing postsecondary classes, including credit-bearing community college and credit-bearing continuing education classes, he or she is attending postsecondary education and is an in-school youth. If the youth is only enrolled in non-credit bearing postsecondary classes, he or she would be considered out-of-school.
 - (2) For the purposes of WIOA school status, the following are not considered to be schools, so youth enrolled only in these programs are out-of-school youth:
 - (a) Adult education programs under Title II of WIOA (in Ohio, called aspire);
 - (b) Youthbuild programs; and
 - (c) Job corps programs.
 - (3) Youth enrolled in high school equivalency programs and dropout re-engagement programs are also generally considered out-of-school unless the program is funded by the public K-12 school system and the youth is enrolled in the school system, in which case the youth is in-school.
 - (4) If a youth is determined eligible for the WIOA youth program during the summer and is in between school years, the youth is considered an in-school youth if enrolled to continue school in the fall. A youth who is determined eligible for the WIOA youth program between high school graduation and postsecondary education is considered an in-school youth once he or she has registered for postsecondary courses (i.e., when courses for the upcoming term have been selected and confirmed) even if classes have not yet begun. However, if a youth who completed secondary education has not yet registered for postsecondary courses at the time of eligibility determination, he or she is an out-of-school youth, even if he or she has been accepted into a postsecondary education program.

(5) Regardless of paragraph (F)(4) of this rule, a secondary student earning postsecondary credit through the college credit plus program defined in Chapter 3365. of the Revised Code who intends to continue attending the same postsecondary school after graduating secondary school remains an in-school youth during the period between completion of secondary school and enrollment in the postsecondary school.

(6) For the purposes of this rule, if a child is being homeschooled in accordance with the requirements of ODE, the child is in school.

(G) Whose income is used when determining low-income status?

If the individual is a part of a family and is under eighteen years of age, living with parent(s) or guardian(s), and is receiving support from them or if the individual is ages eighteen to twenty-four years and the parent(s) or guardian(s) pay(s) for more than fifty per cent of the individual's support, the individual is considered to be dependent on the parent(s) or guardian(s) and their income must be used to determine WIOA youth program eligibility unless the individual has a disability per paragraph (A)(8) of this rule. Verification of dependent status and means of support shall be documented for each youth program participant.

(H) Is an individual considered a low-income individual if he or she resides in a high-poverty area?

If the poverty rate for a county, census tract or a set of contiguous census tracts where an individual resides is at least twenty-five per cent using the American community survey five-year data, the individual is considered low income for purposes of determining WIOA youth eligibility.

(I) Is there an exception that permits services to be provided to covered individuals who are not low income?

Youth participants whose eligibility criteria require them to be low-income individuals are defined as covered individuals. Up to five per cent of a local area's covered individuals may be enrolled in the youth program if they meet all other eligibility criteria except the low-income criterion. In a program year, the number of newly enrolled covered individuals who are not low-income cannot exceed five per cent of the local area's total new enrollments of covered individuals.

(J) When is school status determined?

School status is determined at the time of program enrollment. Because the process of program enrollment can occur over a period of time, school status shall be based on the status at the time the eligibility determination is made. Once the school status

of a youth is determined, the school status remains the same throughout the youth's participation in CCMEP, unless the youth exits from the program, reapplies, and is again determined eligible.

- (K) Who is an individual requiring additional assistance to enter or complete an education program or to secure or hold employment?

An individual who requires additional assistance to enter or complete an education program or to secure or hold employment is one that is receiving, or has received in the past six months, SNAP, TANF, or SSI per the state plan, or who meets other criteria established by the local workforce development board. The local workforce development board shall establish definitions and eligibility documentation requirements to verify that the local criteria have been met. The local area's policy should be reasonable, quantifiable, and based on evidence that the specific characteristics of the youth identified in the policy objectively require additional assistance. Of the total in-school youth enrolled by a local area during a program year, no more than five per cent may be individuals who require additional assistance to complete an education program or to secure or hold employment.

- (L) Is there any eligibility requirement for an individual to be a citizen of the United States?

Per section 188(a)(5) of WIOA, in order to be eligible for the WIOA youth program, an individual shall be authorized to work in the United States by being a citizen or national of the United States; lawfully admitted permanent resident alien, refugee, asylee or parolee, or other immigrant authorized by the attorney general to work in the United States.

- (M) Is there an eligibility requirement to register for the selective service?

To be eligible for the WIOA youth program, males ages eighteen and over shall have fulfilled the registration requirements of the Military Selective Service Act as in effect on January 1, 2019. If a male reaches his eighteenth birthday during WIOA program participation, he shall register for the selective service to continue receiving WIOA youth program services. A male youth applicant who is eighteen years old or older who has not registered for the selective service or who is unwilling to register will be denied any WIOA program services.

- (N) Is there a process for determining WIOA youth program eligibility when a close relationship exists between the individual and any stakeholders of the workforce development system?

Every individual applying for the WIOA youth program is required to document on the JFS 03002 any close relationship that individual has with any stakeholder in

the workforce development system. If a relationship does exist, the internal process developed by the local workforce development board shall be followed to ensure that a transparent assessment of the individual's eligibility and development of the IOP have been conducted with no personal or business relationship, bias, special interest, or prejudice.

(O) Are there funding limitations in the WIOA youth program?

(1) For any program year, not less than seventy-five per cent of WIOA youth formula funds available shall be used to provide youth workforce activities for out-of-school youth. The local workforce development board has the authority to use one hundred per cent of WIOA youth formula funds on out-of-school youth.

(2) A minimum of twenty per cent of the total local area youth formula funds shall be spent on work experience.

(P) How is WIOA youth program eligibility verified?

WIOA youth program eligibility shall be verified or confirmed through an examination of documents. The United States department of labor provides guidance for the specific types of source documents that are to be used to verify participant eligibility.

Five Year Review (FYR) Dates: 10/26/2021 and 10/26/2026

CERTIFIED ELECTRONICALLY

Certification

10/26/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5116.06
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