NORTH DAKOTA WORKFORCE DEVELOPMENT COUNCIL

POLICY 2-07-03 (2)

YOUTH ELIGIBILITY

PURPOSE:

Both WIA and the regulations encourage states to establish policies, interpretations, guidelines, and definitions to implement provisions of Title I of WIA. These state policies have standing under law to the extent that they are not inconsistent with WIA and the regulations, as well as federal statutes and regulations governing One-Stop partner programs.

Workforce Investment Act Sections 101(13), 101(4), and 129, delegates to the state the option to establish certain policies, interpretations, guidelines, and definitions regarding Youth Eligibility Criteria and Definitions.

Eligibility Criteria

Workforce Investment Act of 1998, Section 101(13), and 129 (C)(5) defines an eligible youth as an individual who is age 14 through 21, low income, <u>and</u> who is within one or more of the following categories:

1. Deficient in basic literacy skills;
2. School dropout;
3. Homeless, runaway, or foster child;
4. Pregnant or parenting;
5. Offender;
6. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program or secure and hold employment.

"Deficient in basic skills" and "an individual who requires additional assistance to complete an educational program or to secure and hold employment" is not defined.

Low Income Individual

Section 101(25) of the WIA describes a "low income individual" as one whom:

A. Receives, or is a member of a family that receives, cash payments under a federal, state, or local income-based public assistance program.
B. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program involved [exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)] that, in relation to family size, does not exceed the higher of:

1. The poverty line, for an equivalent period; or
2. Seventy percent of the lower living standard income level, for an equivalent period;

C. Is a member of a household that receives (or has been determined within the 6 month period prior to application for the program involved to be eligible to receive) food stamps, pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
D. Qualifies as a homeless individual, as defined in Subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302);
E. Is a foster child on behalf of whom state or local government payments are made; or
F. In cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.

One hundred percent (100%) of youth served in WIA youth programs must meet the low-income and the other criteria for eligibility.

Exceptions – not more than 5 percent of participants may be individuals who do not meet the minimum income criteria to be considered eligible youth, if such individuals are within one or more of the following categories:

(A) Individuals who are school dropouts.
(B) Individuals who are basic skills deficient.
(C) Individuals with educational skills attainment that is one or more grade levels below the grade level appropriate to the age of the individuals.
(D) Individuals who are pregnant or parenting,
(E) Individuals with disabilities, including learning disabilities;
(F) Individuals who are homeless or runaway youth.
(G) Individuals who are offender.
(H) Other eligible youth who face serious barriers to employment as identified by the Local Board.

Deficient in Basic Literacy Skills is not defined. Definitions may establish such criteria as are needed to address local concerns and shall be included in the local plan, but must include a determination that an individual:

- Computes or solves problems, reads, writes, or speaks English at or below grade level 8.9; or
- Is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society.

Requires Additional Assistance to Complete an Educational Program or to secure and Hold Employment is not defined. Definitions and eligibility documentation requirements regarding the "requires additional assistance to complete an educational program or to secure and hold employment" criterion must be included in the State plan.

POLICY:

Deficient in Basic Literacy Skills:

Job Service North Dakota, as the State administrative entity, will be responsible for defining "deficient in basic skills" and "an individual who requires additional assistance to complete an educational program or to secure and hold employment". The definition of "deficient in basic skills" must include a determination that an individual (a) computes or solves problems, reads, writes, or speaks English at or below grade level 8.9 or (b) is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

Youth Who Are Not Low-Income Individuals

Up to five percent of youth participants served by youth programs may be individuals who do not meet the income criterion for eligible youth, provided that they are within one or more of the following categories:

(I) School dropout;
(J) Basic skills deficient, as defined in WIA Section 101(4);
(K) Are one or more grade levels below the grade level appropriate to the individual's age;
(L) Pregnant or parenting;
(M) Possess one or more disabilities, including learning disabilities;
(N) Homeless or runaway;
(O) Offender; or
(P) Face serious barriers to employment as identified by the Local Board.

If the family of a disabled youth does not meet the income eligibility criteria, the disabled youth is to be considered a low-income individual if the youth's own income:

- Meets the income criteria established in WIA Section 101(25)(B); or
- Meets the income eligibility criteria for cash payments under any federal, state or local public assistance program. [WIA Sec. 101(25) (F).]

Concurrent Enrollment

Under the Act, eligible adults are defined as individuals age 18 or older and eligible youth are 14 through 21 years of age. Thus, individuals' ages 18 through 21 [at registration] may be eligible for both adult and youth programs.

- Eligible individuals who are 18 through 21 years old [at registration] may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult/dislocated worker eligibility criteria applicable to the services received. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth, adult, dislocated worker, or other services.

- Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult/dislocated worker programs concurrently, and ensure that services are not duplicated.

Enforcement of Military Selective Service Act

Local programs shall ensure that each individual participating in any program or activity established under Title I of WIA, or receiving any assistance or benefit under such Title, has not violated Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) by not presenting and submitting to registration as required pursuant to such Section.

REFERENCE:

(0) NDWDC minutes dated September 11, 2003
(1) NDWDC minutes dated October 20, 2005
(2) NDWDC minutes dated November 20, 2008

SUNSET: November 20, 2011