

## Youth Program Requirements

**TO:** All San Benito County Workforce Innovation and Opportunity Act (WIOA) Service Providers

**SUBJECT:** WIOA Youth Program Requirements

**PURPOSE:** This policy provides guidance and establishes the procedures regarding the Workforce Innovation and Opportunity Act (WIOA) youth program, including the 75 percent out-of-school youth and 20 percent work experience minimum expenditure requirements.

**REFERENCE:** WIOA (Public Law 113-128) Sections 3, 107, 116, 123, 128, and 129; Workforce Investment Act (WIOA) (Public Law 105-220) Sections 101 and 129; Title 2 Code of Federal Regulations (CFR) Chapter I, Chapter II, Part 200, et. al, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule” (Uniform Guidance); Title 2 CFR Part 2900 et al., “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” (Uniform Guidance); Title 20 CFR WIOA NPRM, Sections 681 and 683.215; Training and Employment Guidance Letter (TEGL) 23-14, WIOA Youth Program Transition (March 26, 2015); TEGL 19-14, Vision for the Workforce System and Initial Implementation of the WIOA (February 19, 2015); TEGL 12-14, Allowable Uses and Funding Limits of WIOA Program Year (PY) 2014 funds for WIOA Transitional Activities (October 28, 2014); TEGL 13-09, Contracting Strategies That Facilitate Serving the Youth Most In Need (February 16, 2010); California Education Code (EC) Section 58500; Workforce Services Directive (WSD) 14-9 Subject: 30 Percent Expenditure Requirement—Youth Formula Funds (February 13, 2015);

WSD 15-3 Subject: WIOA Youth Program Requirements (September 16, 2015); and WSD 16-01 Subject: WIOA Youth Program Requirements (July 6, 2016).

**BACKGROUND:** The WIOA Section 129 introduces key investments in out-of-school youth and work experience. Specifically, it increases the minimum out-of-school youth expenditure rate from 30 percent under WIOA to 75 percent under WIOA, and introduces a 20 percent work experience expenditure requirement. Additionally, it adds new program elements, increasing the number of required youth program elements from 10 under WIOA to 14 under WIOA.

**POLICY AND PROCEDURES:** This policy applies to all San Benito County WIOA Youth Service Providers and recipients of WIOA youth funds.

Reference the following pages of this policy for the WIOA Youth Program Requirements policy and procedures.

**INQUIRIES:** For questions or assistance related to this policy, please contact the San Benito County Workforce Development Board staff at (831) 637-JOBS (5627).

### **POLICY AND PROCEDURES**

#### **Youth Eligibility Criteria:**

The WIOA Section 129(a)(1) provides new eligibility criteria for the WIOA Youth Program. To be eligible to participate in the WIOA youth program, an individual must be an out-of-school youth or an in-school youth.

Youth enrolled beginning July 1, 2015 must meet the new eligibility criteria. Beginning July 1, 2015, all WIOA youth participants who are still enrolled in the WIOA youth program must be grandfathered into the WIOA youth program, even if the participant would not otherwise be eligible for WIOA. Local youth programs are not required to complete an eligibility re-determination if the participant has been determined eligible and enrolled under WIOA. Furthermore, these participants must be allowed to complete the WIOA services specified in their individual service strategy. Additional guidance will be issued to provide more detail on the new eligibility criteria as it is released by the Department of Labor.

**Definitions:**

For the purposes of this policy, the following definitions apply:

- *School* – any secondary or post-secondary school (Notice of Proposed Rule Making (NPRM) Section 681.230).
- *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\* (NPRM Preamble page 20732).

Individuals enrolled in the following programs would be considered an out-of-school youth for eligibility purposes:

- WIOA Title II Adult Education, YouthBuild, or Job Corp (NPRM Section 681.230).
- 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.

### **Out-of-School Youth Eligibility:**

To receive services as an out-of-school youth, an individual must meet the following eligibility criteria:

1. Not attending any secondary or post-secondary school (not including Title II Adult Education, YouthBuild, Job Corps, or charter schools with federal and state workforce partnerships);
2. Age 16-24 years old; and
3. Meets one 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; or
  - 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 out-of-school youth at time of enrollment and is subsequently placed in a GED program at an adult school, or any school, is still considered an out-of-school youth. Additionally, an individual who is an out-of-school youth and between the ages of 16-24 at the time of enrollment, and is now beyond the age of 24, is still considered an out-of-school youth until exited.

### **In-School Youth Eligibility:**

To receive services as an in-school youth, an individual must meet the following eligibility criteria:

1. Attending school, including secondary and post-secondary schools;
2. Age 14-21 years old;
3. Low income individual; and
4. Meets one or more of the following barriers:
  - a. Basic skills deficient;
  - b. An English language learner;
  - c. An offender;
  - d. 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;

- e. Pregnant or parenting;
- f. Individual with disability; or
- g. An individual who requires additional assistance to complete an educational program or secure and hold employment.

*(Reference: WIOA Section 129[a][1][C])*

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 in-school youth and between the ages of 16-21 at the time of enrollment, and is now beyond the age of 21, is still considered an in-school 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. According to TEGL 8-15, final regulations for WIOA will further define a "youth living in a high-poverty area." In the interim, EDD has chosen to define a high-poverty area as: an area identified by the American Community Survey 5-Year Data to have a poverty rate of 30 percent and above.

Local areas may use the zip code or census tract to determine if an individual lives in a high poverty area. To search by zip code, Local Areas may access American Community Survey 5-Year data on the US Census Fact Finder website to determine the poverty rate by entering in the youth participant's zip code.

#### **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 out-of-school youth 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 out-of-school youth under the "**Out-of-School Youth Eligibility**" categories 3c and 3h, in-school youth, or a combination of both, not to exceed 5 percent of all WIOA youth participants served for a given program year.

#### **Local Definition – Requires Additional Assistance / Serious Barriers to Employment:**

Under WIOA, no more than 5 percent of in-school youth enrolled in a given program year may be found eligible based solely on meeting the criterion, "requires additional assistance." This limitation applies to in-school youth enrolled on or after July 1, 2015. Therefore, participants that were enrolled under WIOA and carried into WIOA would not be factored in.

For purposes of program eligibility, the San Benito County Workforce Development Board's definition of "youth who face serious barriers to employment" – is defined as an individual (both out-of school and in-school youth) who requires additional assistance or has serious barriers to employment to complete an educational program or secure and hold employment or is one who in addition to meeting the income and age eligibility criteria, also meets one or more of the following barriers listed below:

- Disabled (Local Plan);
- Parenting Teen (age 21 or under) (Local Plan);

- Pregnant Teen (age 21 or under) (Local Plan);
  - Substance Abuser (Local Plan);
  - Deficient in basic skills/occupational skills (Local Plan) **(8.9 or below)**;
  - Identified as “at risk” by local education agencies (Local Plan);
  - Repeated at least one secondary grade level or are one year over age for grade;
  - Has a core GPA of less than 1.5;
  - For each year of secondary education, are at least two semester credits behind the rate required to graduate from high school;
  - Emancipated youth;
  - Aged out of foster care;
  - Previous dropout or have been suspended five or more times or have been expelled;
  - Court/Agency referrals mandating school attendance;
  - Deemed at risk of dropping out of school by a school official;
  - Referred to or are being treated by an agency for a substance abuse related problem;
  - Experienced recent traumatic events, is victim of abuse, or resides in an abusive environment as documented by a school official or professional;
  - Serious emotional, medical or psychological problems as documented by a professional;
  - Never held a job (**applies to older youth**);
  - Fired from a job within the 12 months prior to application (**applies to older youth**);
- AND**
- Never held a full-time job for more than 13 consecutive weeks (**applies to older youth**);
  - Only source of income is from **SSI/SSA, unemployment insurance, child support,** and/or program **work experience payments** as long as the income does not exceed 70% of the low living standard and/or poverty level
  - Is part of a family that received **public assistance within the last 12 months,** is **currently receiving public assistance,** or has exhausted its five-year TANF eligibility. Public assistance is defined as TANF cash public assistance, CalFesh, SSI/SSA, and program work experience payments.

#### **Out-of-School Youth 75 Percent Expenditure Requirement:**

The WIOA shifts the primary focus of youth formula funds to support the educational and career success of out-of-school youth. As a result of this shift, the cost per participant under the WIOA may increase as many out-of-school youth require more intensive and costly services. Consequently, fewer participants might be served under the WIOA youth program due to the more intensive and costly services for the increased emphasis on the out-of-school youth population.

Beginning Program Year 2016-17, local area youth service providers must spend at least 75 percent of their WIOA youth formula funds on youth workforce investment activities for out-of-school youth (WIOA Section 129[a][4]). The out-of-school youth expenditure rate is calculated after subtracting funds spent on administrative costs.

#### **Work Experience 20 Percent Expenditure Requirement:**

Local area youth service providers must spend at least 20 percent of their WIOA youth formula funds on work experience (WIOA Section 129[c][4]). The work experience expenditure rate is calculated after subtracting funds spent on administrative costs.

Additionally, the expenditure rate is not applied separately for in-school youth and out-of-school youth.

**Work Experience Criteria:**

The WIOA places a priority on providing youth with occupational learning opportunities through work experience.

Work experience provides in-school and out-of-school youth an invaluable opportunity to develop work place skills. Paid and unpaid work experiences must include academic and occupational education and may include the following types of work experiences:

- Summer employment opportunities and other employment opportunities available throughout the school year
- Pre-apprenticeship programs
- Internships and job shadowing
- On-the-job training opportunities (Reference: Title 20 CFR NPRM 681.600)
- 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 Title 20 CFR NPRM 681.640].

Youth formula funds may be used to pay wages and related benefits for work experience in the public, private, for-profit or non-profit sectors when the participant's objective assessment and individual service strategy indicate that a work experience is appropriate.

Additionally, youth formula funds may be used to pay wages and staffing costs for the development and management of work experience.

Allowable expenditures beyond wages may include the following:

- Staff time spent identifying potential work experience opportunities.
- Staff time working with employers to develop the work experience.
- Staff time spent working with employers to ensure a successful work experience.
- Staff time spent evaluating the work experience.
- Classroom training or the required academic education component directly related to the work experience.
- Orientation sessions for participants and employers.

**Work Experience Local Policy:**

The work experience requirements listed below apply to all San Benito County WIOA youth service providers:

- The maximum number of work experience hours per participant will be 600.

**Youth Incentives/Stipends:**

Appropriate incentives/stipends and limitations on the dollar amounts, are as follows:

**Completion of the following workshops:**

- Interviewing – \$25
- Resume – \$25
- Financial Literacy – \$25

**Attained the following certifications:**

- Customer Service – \$50
- Microsoft Office Certificate – \$50
- National Retail of Federation Workshop – \$50

**Achieved the following performance:**

- Proof of Re-enrolled in Secondary Education or GED Course (out-of-school HS diploma only) – \$25
- Entered into Unsubsidized Employment - *a one-time incentive* – \$25
- Proof of reenrollment in a secondary institution – \$25
- Proof of enrollment in a post-secondary institution – \$25

*Placement in Employment / Education / Training:*

- Successful completion of a post-secondary institution – \$25
- Proof of employment in 2<sup>nd</sup> and/or 4<sup>th</sup> Quarter of the Follow-up period – \$25
- Proof of enrollment in post-secondary institution in 2<sup>nd</sup> and/or 4<sup>th</sup> Quarter of the Follow-up period – \$25
- Achievement of a Certificate of Completion (i.e. a widely accepted occupational certificate) by the 3<sup>rd</sup> Quarter of the Follow-up period (only applicable to Older Youth at time of application) – \$25
- Proof of enlistment in Military Service or a qualified Apprenticeship program by the 2<sup>nd</sup> Quarter of the Follow-up period – \$25

*Attainment of Degree / Certificate:*

- Attainment of High School Diploma or GED – \$25
- Attainment of Degree / Certificate – \$25

*In Program Skills Gain:*

- In Program Skills Gain as indicated in IEP – \$25
- Attending the Workforce Development Board meeting to share Success Story - \$25

**Resources for In-School Youth:**

Under WIOA, fewer resources are available to serve in-school youth; therefore, local area youth service providers should identify resources and/or establish partnerships with other community based organizations and youth providers that can provide services to in-school youth. The San Benito County Workforce Development Boards, in collaboration with its youth standing committees, may consider leveraging resources and establishing partnerships to continue serving in-school youth that are cost effective, and reach more students.

**Fourteen (14) Required Youth Program Elements:**

The WIOA Section 129(c)(2) includes 14 Program Elements, which include the original ten program elements under WIOA (which have been consolidated to nine as the summer employment opportunities program element is now a sub-element under paid and unpaid work experiences) and five new program elements. The five new program elements are (1) financial literacy, (2) entrepreneurial skills training, (3) services that provide labor market and employment information about in-demand industry sectors or occupations available in the local areas, (4) activities that help youth prepare for and transition to post-secondary education and training, and (5) education offered concurrently with and in the same context as workforce preparation activities and training for specific occupation or occupational clusters.

The following is a complete list of the 14 required youth program elements:

1. Tutoring, study skills training, and evidence-based dropout prevention and recovery strategies that leads to completion of secondary school diploma or its recognized equivalent or for a recognized post-secondary credential.
2. Alternative secondary school services, or dropout recovery services, as appropriate.
3. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, including the following:
  - Summer employment opportunities and other employment opportunities available throughout the school year
  - Pre-apprenticeship programs
  - Internships and job shadowing
  - On-the-job training opportunities
4. Occupational skill training, which includes priority consideration for training programs that lead to recognized post-secondary credentials that align with in-demand industry sectors or occupations.
5. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.
6. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility, and other positive social and civic behaviors.
7. Supportive services.
8. Adult mentoring for a duration of at least 12 months that may occur both during and after program participation.
9. Follow-up services for not less than 12 months after the completion of participation.
10. Comprehensive guidance and counseling, including drug and alcohol abuse counseling, as well as referrals to counseling, as appropriate to the needs of the individual youth.
11. Financial literacy education.
12. Entrepreneurial skills training.
13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.
14. Activities that help youth prepare for and transition to post-secondary education and training.

Local area youth service providers are not required to provide the 14 required elements to each participant. Local area youth service providers have the flexibility to determine what specific services a youth will receive based upon the youth's assessment and service strategy. However, it is the policy of the San Benito County Workforce Development Board to ensure that all 14 youth program elements are available to youth in San Benito County through its WIOA youth funded programs and service providers.

### **WIOA Youth Program Design:**

The WIOA enhances the youth program design through an increased emphasis on individual participant needs by adding new components and incorporating career pathways to the objective assessment and individual service strategy. Additionally, the WIOA requires that the individual service strategy be directly linked to one or more of the performance indicators. A program design framework is an essential step to help local area youth service providers develop comprehensive service strategies based upon individual needs.

The San Benito County Workforce Development Board can provide direction and leadership to assist local youth service providers on improving the quality and effectiveness of their youth programs and services. A program design framework consists of an objective assessment, an individual service strategy, case management, and follow-up services that lead toward successful outcomes for youth participants (WIOA Section 129[c][1]).

**Youth Standing Committee:**

Youth councils are not required under WIOA. However, an existing youth council may be designated as the Youth Standing Committee. Local Workforce Development Boards (Boards) that elect not to establish a Youth Standing Committee are still responsible for conducting the oversight of youth activities under WIOA Section 129(c) and identifying eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis.

**Procurement of WIOA Youth Service Providers:**

As required in WIOA Section 123, Local Boards must award youth service provider contracts through a competitive process. This competitive process must meet the procurement standards specified in Uniform Guidance and Department of Labor Exceptions.

As Local Boards transition from WIA to WIOA, they must ensure Request for Proposals (RFPs) and Youth Service Provider contracts incorporate the new WIOA youth provisions, (e.g., new eligibility requirements for in-school and out-of-school youth, increased expenditure requirements for out-of-school youth and work experience, and the five new program elements). In order to implement these provisions, local areas may either undergo a contract modification with their existing providers, if permissible, or procure new service providers. Since youth enrolled beginning July 1, 2015, must meet the new WIOA eligibility criteria, Local Boards must ensure they have modified existing contracts and/or procured new youth service providers by July 1, 2015, to accommodate the new eligible WIOA youth participants. If a local area procures new youth service providers, the state encourages the use of one-year contracts, which may contain additional option years, rather than multi-year contracts, to ensure maximum flexibility during WIOA Implementation.

Local Boards may opt to retain current WIOA youth service contracts temporarily for various reasons (e.g., the contract does not include a clause that allows for modifications to conform to new legislation, regulations, or requirements, etc.). The State Board and EDD would like to provide Local Boards adequate time to transition to the new WIOA requirements, and, therefore, will allow Local Boards to retain current WIOA youth service contracts through PY 2016-17. However, Local Boards must ensure that all RFPs and Youth Service Provider contracts incorporate the new WIOA provisions by July 1, 2017