

New Jersey

Workforce Innovation Notice ^{16-16(Y)}

TO: Workforce Development System

FROM: John Bicica, Chief,
Office of WIOA Technical Assistance and Capacity Building

SUBJECT: WIOA Youth Program Eligibility Guidelines

DATE: February 3, 2017

Purpose: To provide the Workforce Development System with an update to New Jersey's Workforce Innovation and Opportunity Act (WIOA) Youth Program Eligibility Guidelines.

Background

The New Jersey Department of Labor and Workforce Development annually issues the WIOA Youth Program Eligibility Guidelines. These guidelines provide the WIOA requirements regarding determining eligibility to receive services under the WIOA Title I Youth program. The Final Rules that were published in the Code of Federal Register in August included several changes related to the determination of eligibility for youth and the provision of services. The sections of the guidelines that include these changes are provided below (language added by the Final Rules to existing paragraphs are **bolded**):

Page 3 (Out-of-School Youth)

Under the Final Rules, the definition of an out-of-school replaces "an individual subject to the juvenile or adult justice system" with the term "offender." This is the same as the criterion used for in-school youth, and the definition of offender can be found on page 10 of the guidelines.

Page 3 (Out-of-School Youth)

The Final Rules at 20 CFR 681.240 provides the following clarification: *An individual who is out of school at the time of enrollment, and subsequently placed in any school is an OSY for the purposes of the 75 percent expenditure requirement for OSY throughout his/her participation in the program.*

Page 3 (Schools)

The Final Rules at 681.230 provide additional clarification as to what is considered a school under WIOA. *The Department does not consider providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corps program high school equivalency programs, **or drop-out re-engagement programs to be schools, regardless of the funding source.** Youth attending high school equivalency programs funded by the public K-12 school system who are classified by the*

school system as still enrolled in the school are an exceptions; they are considered in-school youth. (20 CFR 681.230) Youth who are attending private or charter schools are considered in-school youth for the purposes of WIOA eligibility.

Pages 3-4 (Program Eligibility)

The United States Department of Labor (USDOL) has separated the youth eligibility categories “homeless” and “in foster care” into two separate categories. As a result there are now nine categories of out-of-school youth and eight categories of in-school youth.

Additionally, the Final Rules at 20 CFR 681.210 (out-of-school youth) and 681.220 (in-school youth) expand on the definition of foster youth. The added language is in bold: *An individual in foster care or who has aged out of foster care **or who has attained 16 years of age and left foster care for kinship guardianship or adoption**, a child eligible for assistance under sec. 477 of the Social Security Act or in an out-of-home placement.*

Page 5 (Participation and Enrollment)

As a clarification, the Final Rules at 681.320 expands the list of requirements for a youth to be considered a participant in a WIOA Youth program: *To participate in WIOA Youth programs, a youth must be enrolled. To be a participant, all of the following must occur:*

- 1) *An eligibility determination*
- 2) *The provision of an objective assessment*
- 3) *Development of an Individual Service Strategy; and*
- 4) *Participation in any of the 14 youth program elements*

Page 5 (Objective Assessment)

The Final Rules at 681.420(a)(1) adds the requirement that a review of a youth’s strengths be included as part of the assessment process. Each objective assessment must consist of a review of the academic and occupational skill levels, as well as the service needs and strengths, of each youth for the purpose of identifying appropriate services and career pathways for participants and informing the individual service strategy;

Page 5 (Individual Service Strategy)

The Final Rules at 20 CFR 681.420(a)(2) adds the requirement for the individual service strategy to be based on the needs of the participant; The One-Stop Operator must develop, and update as needed, an individual service strategy **based on the needs of each youth participant** that is directly linked to one or more indicators of performance described in WIOA sec. 116(b)(2)(A)(ii), that identifies career pathways that include education and employment goals, that considers career planning and the results of the objective assessment and that prescribes achievement objectives and services for the participant.

Page 9 (High Poverty Area)

The Final Rules at 20 CFR 681.260 change the definition of “High Poverty Area.” The new definition is a Census tract, a set of contiguous Census tracts or county that has a poverty rate of at least **25 percent**, as set every five years using American Community Survey Five-Year Data. The list of Census Tracts in New Jersey that meet this expanded definition is included on pages 30-32.

Page 12 (Individual Training Accounts)

The Final Rules at 20 CFR 681.550 expand the eligibility of out-of-school youth who may be provided occupational training services through an individual training account (ITA) from 18-24 to **16-24**. Also, the rules specify that the training provider selected must be on the eligible training provider list, but youth funds used for an ITA are do not have to be competitively procured like other youth funds. In-school youth funds may not be used for an ITA; however ISY who are 18 or older may be provided an ITA, as appropriate, through *Adult* funds if they are co-enrolled in the Youth and Adult programs.

Form B (2017 Poverty Guidelines)

The document has been updated to provide the 2017 Poverty Guidelines. These were published in the January 31, 2017 Federal Register; the effective date was January 26, 2017.

Rescissions:

NJWIN 5-15 (WIOA Youth Eligibility Guidelines)

References and Links

WIOA Final Rules (Labor Only) <https://www.doleta.gov/wioa/Docs/wioa-regs-labor-final-rule.pdf>

Action Required

This document is to be distributed to one-stop staff involved in the determination of WIOA Title I Youth program eligibility and to relevant one-stop partners. Electronic distribution is recommended to ensure access to the various links in the document.

Authority

New Jersey Department of Labor and Workforce Development	X
State Employment And Training Commission	

Questions

For questions regarding this guidance, contact John Bicica, Chief, Office of WIOA Technical Assistance and Capacity Building, at john.bicica@dol.nj.gov

Attachment