

PUBLIC POLICY: NO. WIOA-03-2023

DATE: 14 OF JUNE 2023

AFFAIR: PUBLIC POLICY ON YOUTH PROGRAM ELIGIBILITY DETERMINATION

REFERENCE: WORKFORCE OPPORTUNITY AND INNOVATION ACT (WIOA)

I. INTRODUCTION

Title I of the Workforce Innovation and Opportunity Act (WIOA) sets out the vision of a system of services that results in support of young people in and out of school. To be eligible to participate in the Youth Program, you must be a youth in or out of school and be between the ages of 14 to 24 at the time of eligibility. No less than 75 percent of the funds in the program category will be allocated for out-of-school youth service delivery. The WIOA Act is aimed at providing quality services to young people, from the beginning of their career exploration through educational support, training opportunities, internships, among others, to achieving the educational and occupational success of young people, especially those outside of school.

II. LEGAL BASE

- Section 3 (2), (15) y (63); Section 129 (a)(1)(B) y 129 (a)(C) - Workforce Innovation and Opportunity Act (WIOA);
- Sections 681.200 a 681.320 of the Final Regulations (20 CFR) of the Workforce Innovation and Opportunity Act (WIOA);
- TEGL 8-15, TEGL 23-14, TEGL 23-19, TEGL 21-16 y TEGL 9-22, issued by the Employment and Training Program attached to the Federal Department of Labor;
- Programmatic Data Validation Guides and Supplementary Sources and Supporting Documents issued by the DDEC (DDEC-WIOA-02-2021);
- Service Selective System Official Website (SSS.gov) y
- TEGL 9-22: Workforce Innovation and Opportunity Act Title I Youth Formula Program Guide.

III. GENERAL YOUTH PROGRAM ELIGIBILITY REQUIREMENTS

1. **Age:** Client must be between the ages of 14 to 24 as of the date of eligibility.

U.S. Citizenship: Be a U.S. citizen, lawful permanent resident and/or foreigner authorized to study or work in the United States, as defined by the Department of Labor and Human Resources.

2. Registered with the Selective Service: The client, male, born after December 31, 1959, must register with the selective service within 30 days of turning 18. The Selective Service will accept late enrollments, but not after a man has reached the age of 26 and only those who present evidence of the following conditions will be excluded from this requirement:

- Have been held in a medical, mental or correctional institution between the ages of 18 and 26 consecutively;
- Aliens who have arrived in the United States and its territories after passing the age of enrollment;
- Persons with physical or mental incapacity who were confined to their residence, hospital or institution between the ages of 18 and 26 consecutively; and
- Individuals who were born female and changed their gender to male prior to age 26.

In cases where the applicant is under the age of 17 at the time of eligibility, registration for the selective service is not required, but if the applicant is already registered for the Youth program and turns 18 during their participation, they must register within the next 30 days to continue WIOA services.

Enrolling is not the same as enlisting in the U.S. Armed Forces, and because there is currently no mandatory military service, you will not automatically enter the military. Section 12(g) of the Military Selective Service Act allows, under special conditions, to provide services to those who are not registered. These conditions are those Military on active duty full-time, as long as they were continuously in service from the age of 18 to 26. If you join military service before you turn 18 or after age 26, you must register. Veterans or part-time National Guard members or Reservists who entered military service and were unaware of the process. They will need to present Form DD214 or their military ID card if you are still active, where you indicate the dates of your military service, this will serve as proof that you did not register knowingly or intentionally. Reserve and National Guard members who are not on full-time active duty must register.

IV. ELIGIBILITY BY EDUCATIONAL STATUS

Different criteria are applied to determine the educational status of a young person outside of school and inside school. 20 CFR § 681.240 states that educational status is determined at the time of registration, but in the case of the Youth Program this process can occur over a period of time, so the **condition must be based on the situation at the time of determining program eligibility**. Once this educational status is determined, it remains the same throughout the youth's participation in the WIOA Youth Program.

If a youth is enrolled in the Youth Program during the summer between school terms, the youth is considered in school if the youth will continue their school years into the next school year. If a youth is enrolled in the Youth Program in the period between high school graduation and the beginning of postsecondary education, the youth is considered in-school if he or she is enrolled in postsecondary education, even if he or she has not yet begun postsecondary classes at the time of enrollment in the Youth Program. However, if a youth graduates from high school and enrolls in postsecondary education, but ultimately does not continue to attend postsecondary education, then such a youth would be considered an out-of-school youth if the eligibility determination is made after the point at which the youth decided not to attend postsecondary education.

1. **Postsecondary classes with and without credits:** If the youth participant is enrolled in any credit-bearing postsecondary education class, including community college credit classes and credit-bearing continuing education classes, they are considered to be attending postsecondary education and therefore an in-school youth. If the young person is only enrolled in post-secondary classes without credits, he or she is considered not to be attending post-secondary education and is therefore an out-of-school youth.
2. **Persons 22 years of age or older attending Postsecondary Education:** For a young person to be considered within the school, including those attending post-secondary education, they must be between the ages of 14 and 21. A youth attending postsecondary education who is 22 years old at the time of eligibility determination, would not be eligible for the youth program because he is in school and is over 21 years old. The youth could only be served through the WIOA Adult Program.
3. **Exception for Young People with Functional Diversity:** There is an exception to the age of eligibility for young people attending school. Disabled youth who have an Individualized Education Program (IEP) can be enrolled as ISY after age 21, if their state's law allows youth with disabilities to be served by the K-12 public school system beyond age 21. These youths can only be enrolled as ISY up to the age allowed by their state law to receive high school education. There is an exception to the age of eligibility for young people attending school. Disabled youth who have an Individualized Education Program (IEP) can be enrolled as ISY after age 21, if their state's law allows youth with disabilities to be served by the K-12 public school system beyond age 21. These youths can only be enrolled as ISY up to the age allowed by their state law to receive secondary education services.
4. **High school education Equivalency Programs and School Return Programs:** In 20 CFR § 681.230, the Department of Labor uses the terms high school equivalency program and return-to-school program. As stated in 20 CFR § 681.230, for purposes of WIOA, adult education providers under Title II of the WIOA, Youth Build programs, Job Corps

programs, high school equivalency programs, and school reentry programs **are not considered schools for purposes of determining educational status.** However, there is one exception. Youth who attend high school equivalency (HSE) programs, including those considered dropout re-engagement programs, funded by the K-12 public school system and who are classified by the school system as still enrolled in school are considered in-school.

V. ELIGIBILITY CRITERIA FOR OUT-OF-SCHOOL YOUTH

For a youth to be considered in the **Out-of-School category**, they must meet the following requirements at the time of eligibility:

1. **Not attending school:** According to the definitions included in section IV or that the state has adopted on this term.
 2. **Are between the ages of 16 to 24:** The youth may continue to receive service beyond age 24 if he or she has not completed his or her occupational goals and continues to provide services under the same participation.
1. **Meets one or more of the following eligibility conditions or barriers:**
- a. School dropout;
 - b. School dropout and of compulsory age to be attending school, but has not attended in the last quarter of the school year;
 - c. You have achieved a fourth-year diploma or its equivalent (GED), which is low-income and with one of the following barriers:
 - i. **Deficient in basic skills:** Is defined as deficient in basic skills as an individual who calculates or solves problems, reads, writes or speaks English at a level equivalent to 8th grade or less, on a generally accepted standardized test or is an individual unable to compute or solve problems or read, write or speak English at a level necessary to function in a job or in the family environment, or in society.
 - ii. **English Language Learner:** Section 203(7) of the WIOA defines the term "English language learner" as a person who has a limited ability to read, write, speak, or understand the English language, and (A) whose native language is a language other than English; or (B) who lives in a family or community environment where a language other than English is the dominant language."

- d. A youth who is subject to the juvenile or adult justice system;
- e. A homeless person (as defined in Section 41403(6) of the federal Violence Against Women Act of 1994 (42 U.S.C. 14043e- 2(6)), a homeless child or youth (as defined in Section 725(2) of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))), a youth who has run away from home, in foster care, or who is over the age of foster care, a child eligible for assistance under Section 477 of the federal Social Security Act (42 U.S.C. 677), or is in an out-of-home placement program.
- f. A young woman who is pregnant or a young woman who exercises paternity or maternity can be a mother or a father, with or without custody. As long as the young person is within the WIOA eligibility age, the age at which the young person became a parent is not factored into the definition of parenting.
- g. A young person who is an individual with functional diversity;
- h. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or maintain employment.

VI. YOUTH REQUIREMENTS WITHIN THE SCHOOL

For a youth to be considered within the In-School category, they must meet the following requirements at the time of eligibility:

- 1. **Are attending school:** According to the definitions included in section IV or that the state has adopted on this term;
- 2. **Are between the ages of 14 to 21:** With the exception of an individual with functional diversity who is attending school in accordance with a State Law;
- 3. **Are a low-income individual:** The WIOA law states that a youth who receives or is eligible to receive a free or low-cost lunch, through the Richard B. Russell National School Lunch Act, is considered low-income.

In addition, a young person living in a geographic area of high poverty is automatically considered to be a low-income person. The regulation (681.260) states that a high poverty area is a census tract of several groups as defined by the Secretary or a County (in the particular case of Puerto Rico municipalities) that have a rate of at least 25 percent as established every five years using the

American Community Survey 5 Year Data published by the U.S. Census Bureau. According to the table of "**Lower Living Standard Income Level**" (LLSIL) by calendar year which varies according to family size. American Community Survey 5 Year Data". Evidence showing that you are eligible for free or low-cost lunch through the Richard B. Russell National School Lunch Act.

1. Meets one or more of the following eligibility conditions or barriers:

- a. Deficient in basic skills: Is defined as deficient in basic skills as an individual who calculates or solves problems, reads, writes or speaks English at a level equivalent to 8th grade or less, on a generally accepted *standardized test* or is an individual unable to compute or solve problems or read, write or speak English at a level necessary to function in a job or in the family environment, or in partnership;
- b. English Language Learner: Section 203(7) of WIOA defines the term "English language learner" *as a person who has a limited ability to read, write, speak, or understand the English language, and (A) whose native language is a language other than English; or (B) who lives in a family or community setting where a language other than English is the dominant language.*";
- c. A lawbreaker;
- d. A homeless person (as defined in Section 41403(6) of the federal Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), a homeless child or youth (as defined in Section 725(2) of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))), a youth who has run away from home, in foster care, or who is over the age of foster care, a child eligible for assistance under Section 477 of the federal Social Security Act (42 U.S.C. 677), or is in an out-of-home placement program.
- i. A young woman who is pregnant or a young woman who exercises paternity or maternity can be a mother or a father, with or without custody. As long as the youth is within the WIOA eligibility age, the age at which the youth became a parent is not factored into the definition of parenting.
- j. A young person who is an individual with functional diversity;
- k. A low-income individual who requires additional assistance to complete an educational program or to secure or maintain employment. No more than 5% of the youth in the school who are served will be considered in this criterion.

VII. EVIDENCE REQUIRED IN THE RECORDS

General eligibility requirements, as well as eligibility criteria and conditions or barriers, must be evidenced in the participants' records at the time of determining program eligibility. The evidence provided must be in accordance with the provisions of the Federal Department of Labor in its regulations of documentation sources, as well as in the Validation Guidelines established by the DDEC. In TEGL 9-22, the changes integrated in TEGL 23-19 regarding the documentation of files are clarified, to make the use of evidence documents more flexible. Therefore, in order to promote

easy access to services, guaranteeing the vision of the Federal Department of Labor of Open Door "no-wrong-door", which promulgates access to services and programs in a transparent manner, we establish in this public policy the following:

1. All documentation may be received and certified digitally by the technician or case manager who receives it.
2. In all applicable categories, self-identification or self-certification of the information by the participant will be allowed, after exhausting other sources to validate the information. Self-certification is understood as a written or electronic/digital statement of information relating to a particular data item, signed and dated by the participant. Electronic signatures or a submission by the participant, such as an email, text message, or one-time response to an online survey, are considered an electronic signature or verification; They must be generated by the participant and traceable to him, as well as the handling notes made in the physical or digital file.

Among these reportable conditions of the Youth Program are the following:

- a. Individual with Disability or Functional Diversity;
- b. Highest grade achieved;
- c. Level of education completed;
- d. Educational status;
- e. Young pregnant or young woman exercising paternity or maternity;
- f. Young person who needs additional assistance;
- g. Homeless youth, who ran away from home or foster care;
- h. Former offender;
- i. Low income;
- j. English Language Learner; and
- k. Single Parent

The List of Documents for Evidence (**Annex - A**) is part of this Public Policy. This follows as part of TEGL 9-22: Workforce Innovation and Opportunity Act: Title I Youth Formula Program Guide. With the purpose of offering various alternatives to be able to evidence the characteristic that you want to validate.

VIII. EXCEPTION TO THE LOW INCOME CRITERION

The WIOA maintains the 5 percent (5%) exception for low-income eligibility for participants who do not need to comply with this low-income provision. 5% is calculated based on young people registered in the program year, who have to meet the low income criteria. In relation to young people in school it is 5% of all young people registered in a given year.

For out-of-school youth, the 5% exception to the low-income criterion is calculated only from youth registered in the program year, who must meet the low-income criteria (youth who have completed a fourth-year diploma or its equivalent and who are deficient in basic skills or English language learner; or who require additional assistance to enter or complete an educational program; or to secure or maintain employment).

To use this eligibility criterion, authorization must be requested from the Program Department to maintain controls and not exceed the percentage approved by law.

IX. ACTION REQUIRED

The Executive Officer of the Local Board will be responsible for informing the Executive Director and this in turn to those who correspond, the approval of the Public Policy so that the latter train the staff under their supervision and execute the policy as established.

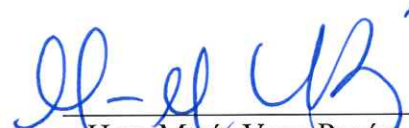
X. EFFECTIVENESS AND APPROVAL

This Public Policy shall take effect immediately on the date of its approval by the members of the Local Labor Development Board and Board of Directors of Mayors of the Manatí-Dorado Local Labor Development Area. Public Policy WIOA-04-2019 signed on April 10, 2019 and all its amendments are repealed.

In Manatí, Puerto Rico, today 14 of June 2023.



Agnelis Laureano Vega
Acting President
Local Workforce Development Board



Hon. María Vega Pagán
President
Board of Directors of Mayors

Note: In this document, the masculine gender will be used to refer to both genders in a way that facilitates the reading of this one. This style of writing is not intended to imply the supremacy of one gender over another.

ANNEX A LIST OF DOCUMENTS TO EVIDENCE

The documents to evidence each **information characteristic** do not have an established order, any of these is allowed, at the discretion of the Career Planner according to his evaluation. A document can validate one or more features. Documents that are not included in this annex should not be required, except in cases where there is no other clear way of evidencing the element.

Characteristics	Documents for Evidence
AGE	<ul style="list-style-type: none"> • Driver's License (Real ID); • Birth Certificate; • U.S. Passport; • Baptism Certificate; • Photo ID issued by local, state or federal government agency that includes name, date of birth; • DD-214; • Certificate of Naturalization, Citizenship, Green Card or Authorization to Work in the U.S.; • Certification or Letter of a Public Assistance or Social Services Program issued by a Local, State or Federal Government Agency (PAN, TANF, ASUME, WIC, etc.); • School or University Record; • Work Permit issued by the DTRH-Bureau of Standards and Labor; • Evidence of Selective Service; • Medical Records; Letter from Parent or Legal Guardian; • Self-identification.
U.S. CITIZENSHIP	<ul style="list-style-type: none"> • Driver's License (Real ID); • Birth Certificate; • U.S. Passport; • Baptism Certificate; • DD-214; • Certificate of Naturalization, Citizenship, Green Card or Authorization to Work in the U.S.; • Letter from Parent or Legal Guardian.
SELECTIVE SERVICE	<ul style="list-style-type: none"> • Selective Service Certification (3A,3B); • Online Registration Verification (SSS.gov); • Telephone Verification Certification; • Punched card of the shipment by Mail.
INDIVIDUAL WITH FUNCTIONAL DIVERSITY	<ul style="list-style-type: none"> • School Records (504, PEI); • Standardized Test Results; • Medical or Health Professional Certification; • Local, State or Federal Agency Certification (e.g. ARVs, Veterans); • Self-identification.

HIGHEST DEGREE ACHIEVED	<ul style="list-style-type: none"> • School Certification; • Graduation Diploma; • Universal Application Form/Registration; • Career Planner Notes; • Self-identification.
LEVEL OF EDUCATION COMPLETED	<ul style="list-style-type: none"> • School Certification; • Graduation Diploma; • Transcription of Credits or Notes; • Universal Application Form/Registration; • Career Planner Notes; • Self-identification.
EDUCATIONAL CONDITION	<ul style="list-style-type: none"> • School Certification; • Graduation Diploma; • Transcription of Credits or Notes; • Universal Application Form/Registration; • Career Planner Notes; • Self-identification.
A YOUNG WOMAN WHO IS PREGNANT OR YOUNG WOMAN WHO EXERCISES PATERNITY OR MATERNITY	<ul style="list-style-type: none"> • WIC or TANF Letter or Certification of Eligibility; • Universal Application Form/Registration; • Career Planner Notes; • Self-identification.
YOUNG PERSON WHO NEEDS EXTRA ASSISTANCE	<p>*Verify active public policy</p> <ul style="list-style-type: none"> • Career Planner Notes; • Self-identification.
HOMELESS YOUTH, WHO RAN AWAY FROM HOME OR FOSTER CARE	<ul style="list-style-type: none"> • Government Agency Letter or Certification • Universal Application Form/Registration; • Career Planner Notes; • Self-identification.
FORMER ADVOCATE	<ul style="list-style-type: none"> • Certification from the Department of Correction, Court, or Community Reintegration Program; • Universal Application/Registration Form.
LOW INCOME	<ul style="list-style-type: none"> • Pay Book; • Employment Certification; • Certification or Letter of a Public Assistance or Social Services Program issued by a Local, State or Federal Government Agency (PAN, TANF, ASUME, WIC, etc.); • Social Security Certification; • Evidence of Retirement or Disability Pension; • ASUME Certification; • Certification of Unemployment Insurance; • Other Sources of Income; • Self-identification.

ENGLISH LANGUAGE LEARNER	<ul style="list-style-type: none"> • Standardized Test Results (TABE) or any other approved by the Local Board; • School Records; • Career Planner Notes; • Universal Application Form/Registration; • Self-identification.
SINGLE PARENT	<ul style="list-style-type: none"> • Certification or Letter of a Public Assistance or Social Services Program issued by a Local, State or Federal Government Agency (PAN, TANF, ASUME, WIC, etc.); • Child's Birth Certificate; • Court Certification; • Career Planner Notes; • Universal Application Form/Registration; • Self-identification.

1. **Career Planner Notes:** Case notes refer to printed or electronic statements from the Race Planner case that identify, at a minimum, the following: (a) a participant's status for a specific data item, (b) the date the information obtained was received, and (c) the name of the case manager who obtained the information.
2. **Cross-comparison:** A cross-comparison requires local areas to identify detailed evidence that confirms the data item in a secondary database. Grantees should also confirm supporting information, such as dates of participation and services rendered. Local areas should have data sharing agreements in place, as appropriate.
3. **Electronic records that may include:**
 - **Participant Source Documents:** Participant Source Documents or Forms maintained in the Local Area Management Information System (MIS) or other official state system.
 - **Local Area Participant Services Record:** Participant information generated and maintained by the local area regarding specific services received by a participant. Information may be generated and maintained through the Local Area MIS System or other official system of records.
4. **Self-Identification:** means a written or electronic/digital statement of information evidencing particular data characteristic, signed and dated by the participant. DOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant, such as an email, text message, or one-time response to an online survey, are considered an electronic signature or verification; It must be generated by the participant and traceable back to the participant. Beneficiaries must retain self-identification documentation.