WIOA Youth Program FAQ

Program Eligibility

1. May youth participate in both the WIOA youth and adult programs concurrently and what is the process for concurrent enrollment?

Yes. Sec. 681.430 of the Proposed Regulations provides that youth may participate in both the WIOA youth program and the adult program at the same time if they are eligible for both programs and it is appropriate. Local program operators may determine the appropriate balance of services under the youth and adult programs, and must identify and track the funding streams which pay the costs and services provided to co-enrolled youth to avoid duplication of services.

We interpret 681.430 to mean that each local area needs to develop a process for concurrent enrollment and follow that process when co-enrolling youth participants.

2. If a student dropped out of high school last week and has a dropout letter, should he/she be certified as in-school youth?

Sec. 681.210(c)(2) of the Proposed Regulations defines “out of school youth” as 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. School year calendar quarter is based on how a local school district defines its school year quarters.” To determine whether a youth is out of school, it is imperative that you know how your local school district(s) define school year quarters.

In the scenario above, if the participant dropped out of school last week, but had been attending for the most recent calendar quarter as defined by the school district, then he/she would be served as an in-school youth participant.

3. Under WIOA, is self-attestation an acceptable form of verification or documentation of “school status” and/or “highest grade level completed”?

Based on State Instruction Number 12-8, Change 1 – Use of Self-Attestation and Documentation Related to WIA Eligibility – self-attestation is an acceptable form of verification when no other documentation of school status of highest grade completed is available. Case notes should explain attempts made to obtain other documentation. Please continue to use State Instruction Number 12-8, Change 1 to determine when self-attestation is appropriate until further WIOA guidance is issued.

4. Who does the “low-income” eligibility requirement apply to and are local areas required to collect income information if the “low-income” eligibility requirement does not apply?

Sec. 681.250(a) provides that for out-of-school youth, only those who are the recipient of a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner and youth who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income. All other OSY eligible under § 681.210(c)(1), (2), and (4)-(7) are not required to be low-income.
Sec. 681.250(b) and (c) further provide that all ISY must be low-income to meet the ISY eligibility criteria, except those that fall under the low-income exception. WIOA allows a low-income exception where five percent of all youth participants may be participants who ordinarily would be required to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of all youth served in the local area’s WIOA youth program in a given program year.

Sec. 681.250(d) finally provides that in addition to the criteria in the definition of “low-income individual” in WIOA sec. 3(36), a youth is low-income if he or she received or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or if she lived in a high poverty area.

We interpret Sec. 681.250 to mean that if the low-income eligibility requirement does apply, documentation of low-income must be included in the applicant’s file.

**Case Management**

1. Should local areas use SCWOS to refer ineligible youth to other programs, or is it acceptable to use other referral methods?

Local areas are encouraged to use the referral mechanism in SCWOS. However, if your area chooses another referral method, referrals should be kept in a central location and tracked. The referral process used in each local area should be outlined in their MOU (Memorandum of Understanding).

**Work Experience**

1. Does an internship that is required for an academic program (i.e., Certified Nursing Assistant) or course meet the definition of Work Experience?

681.600 What are work experiences?

(a) Work experiences are a planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be paid or unpaid, as appropriate. A work experience may take place in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship, as defined by the Fair Labor Standards Act or applicable State law, exists. Work experiences provide the youth participant with opportunities for career exploration and skill development.

(b) Work experiences must include academic and occupational education.

(c) The types of work experiences include the following categories:

(1) Summer employment opportunities and other employment opportunities available throughout the school year;

(2) Pre-apprenticeship programs;

(3) Internships and job shadowing; and

Last updated 08/24/2015
(4) On-the-job training opportunities as defined in WIOA sec. 3(44) and in § 680.700.

For work based learning opportunities to be counted in the 20% WE requirement, the local area would need to be responsible for the development of the WE or OJT. A clinical that is part of the curriculum for a program would not be considered a work experience for this reason. Based on clarification provided in TEGL 23-14, only wages and staffing costs for the development of WE are included in the 20% calculation. Clinicals would have no costs that could fit in those categories. (Costs associated with the training could not be included).

5. Does work experience have to be offered in conjunction with other program elements, such as occupational skills training?

Work Experience can be standalone training. It is not required that participants receive more than one element simultaneously. Work Experience should contain occupational and academic elements; however, we believe that work readiness workshops and programs such as ResCare Academy or similar curriculum would meet this requirement.

6. What activity code should local areas use to track work experiences in SCWOS?

Depending on the category of Work Experience, the following codes may be used:

425, Work Experience – Paid
426, Work Experience – Unpaid:
- Work Experience (Paid or Unpaid) is a planned, structured learning experience that takes place in a workplace for a limited period of time. The participant performs actual job duties with adequate supervision.
- Work Experience is designed to enable youth to gain exposure to the world of work and its requirements. Work experience should be designed to help youth acquire the personal attributes, knowledge, and skills needed to obtain a job and advance in employment.
- The purpose is to provide the participant with opportunities for career exploration and skill development and not exclusively to benefit the employer.
- Usually lasts 2-4 months based on local area policy.

427, Internship – Paid:
440, Internship – Unpaid:
- Internship (Paid or Unpaid) is a structured work experience connected to a participant’s area of career interest and includes the awarding of school credit (may be counted as a separate course for credit or may be a requirement as part of another course).
- The internship would involve specific skill development and learning goals with career-related learning standards (i.e., demonstrate appropriate workplace behaviors, apply decision-making and problem-solving techniques in workplace situations, and demonstrate effective teamwork).
- Usually lasts 1-3 months depending on a combination of school/college requirements and local area policy.

428, On-the-Job Training:
- Training provided to participants under a contract with an employer (public, private, or private non-profit).
- Participants are hired by the employer and paid wages by the employer to be trained in a particular occupation on the job.
• Through the OJT contract, occupational training is provided to the participant in exchange for the reimbursement of a percentage of the participant’s wage during the OJT to compensate for the employer’s extraordinary costs in training the individual. Usually lasts 3-6 months.

**435, Registered Apprenticeship –OJT**

• Use this code for apprenticeship programs registered under the National Apprenticeship Act (NAA) where the OJT model is used.
• Participants are hired by the employer and paid wages by the employer to be trained in a particular occupation on the job. Training is provided to the participant in exchange for the reimbursement of a percentage of the participant’s wage during the OJT to compensate for the employer’s extraordinary costs in training the individual.
• Entities approved to provide registered apprenticeship programs under the NAA must be placed on the local provider list as an OJT provider. The entity will be shown as the provider on the activity record. The employer will be shown in the worksite section of the activity record.
• The activity code will count as “enrolled in education” and the participant will be included in the Attainment of a Degree or Certificate Measure.
• The entity approved to provide the registered apprenticeship (not the employer) is the only entity eligible to issue the registered apprenticeship certificate.

We will likely also create an activity code for pre-apprenticeships.

**7. Can program funds be used to pay for work experiences after a participant has exited the program and is receiving follow-up services?**

No, work experience is not a follow-up service. Providers can and should assist participants in follow-up in many ways as outlined below.

681.580 What are follow-up services for youth?

(a) Follow-up services are critical services provided following a youth's exit from the program to help ensure the youth is successful in employment and/or post-secondary education and training.

(b) Follow-up services for youth may include:

(1) The leadership development and supportive service activities listed in §§ 681.520 and 681.570;

(2) Regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise;

(3) Assistance in securing better paying jobs, career pathway development, and further education or training;

(4) Work-related peer support groups;

(5) Adult mentoring; and/or

(6) **Services necessary to ensure the success of youth participants in employment and/or post-secondary education.**
(c) All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months at the State or Local Board's discretion. The types of services provided and the duration of services must be determined based on the needs of the individual and therefore, the type and intensity of follow-up services may differ for each participant. However, follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome. (WIOA sec. 129(c)(2)(I)).

Additionally, 681.580 in the preamble says:

This proposed section discusses the importance of follow-up services for youth, which WIOA requires be provided for a minimum of 12 months. It clarifies that follow-up services may be different for each individual based on his or her individual needs. **It also clarifies that follow-up services are more than contact attempted or made to gather information for reporting purposes because follow-up services provide the necessary support to ensure the success of youth post-program.** Therefore, to meet follow-up requirements, programs must do more than just make an attempt to contact to gather reporting information.

While the regulations are vague in its description of follow-up services, we interpret the highlighted portions to mean that follow-up provided to youth should be services which connect participants to training and employment but not necessarily fund those activities. There is a distinction between elements provided while active in the program and post-program assistance. Although funds for training and work experiences should not be expended during the follow-up phase, it is important to note that the above regulations emphasize a new focus for follow-up. It is no longer acceptable to perform follow-up only as a form of data collection for performance.

8. **Do program funds spent on paid and unpaid work experiences include wages and staff costs?**

Sec. 681.610. How will local Workforce Innovation and Opportunity Act youth programs track the work experience priority?

This proposed section discusses the new requirement under WIOA that a local youth program must use not less than 20 percent of the funds allocated to the local area to provide youth participants, both ISY and OSY, with paid and unpaid work experiences. In order to ensure that local WIOA youth programs meet this requirement, the Department proposes that local WIOA youth programs track program funds spent on paid and unpaid work experiences and report such expenditures as part of the local WIOA youth financial reporting. **Program expenditures on the work experience program element include wages as well as staffing costs for the development and management of work experiences.** Like the 75 percent OSY expenditure requirement, local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. The work experience expenditure rate is calculated for local area funds after subtracting out funds spent on administrative costs and is calculated based on remaining total local area youth funds rather than calculated separately for in-school and OSY. There is more information and a helpful example in TEGL 23-14, *WIOA Youth Program Transition.*
9. When should local areas pay wages versus stipends for work experience?

Please refer to WIA Instruction 08-03 when determining whether to pay stipends or wages to participants for work experiences.

Youth Program Application

1. Can local areas use their local Rights and Release of Information form instead of the Rights and Release of Information form that is included in the WIOA application, or should local areas continue to use their form in addition to the release form included in the WIOA application?

It is not necessary for the areas to use both their local Rights and Release form and the form included in the WIOA application unless the area forms cover additional content.

2. Should local areas continue to use activity code 484 to track stipends paid to students who complete an incentive activity?

For clarification, stipends and incentives are not the same thing. To record an incentive, 484 is the appropriate code to record in SCWOS.

Other

1. If a youth participant is 21 or over, should he/she be considered a juvenile or an adult for purposes of selecting a category for the TABE?

The term juvenile applies to anyone under the age of 18. For WIOA purposes, it will not matter how it is recorded on the TABE test but that may be something that you would address with Adult Education or whoever administers the TABE test in your area.

2. Are Individual Training Accounts permitted for youth participants?

Sec. 681.550 Are Individual Training Accounts permitted for youth participants?

Prior WIA regulations provide that ITAs are not an authorized use of youth funds. However, more than 30 States received waivers under WIA to use ITAs for older and OSY to: (1) Expand training options; (2) increase program flexibility; (3) enhance customer choice; and (4) reduce tracking, reporting and paperwork that comes with dual enrollment. ITAs have therefore become a critical component in WIA to provide training services to older and OSY. WIOA is silent on the use of ITAs for youth participants. This proposed section allows ITAs for older OSY aged 18 to 24. This change will enhance individual participant choice in their education and training plans and provide flexibility to service providers. ITAs also reduce the burden for local areas by eliminating duplicative paperwork needed for enrolling older youth in both youth and adult formula programs. ITAs will benefit disconnected youth and reinforce WIOA’s emphasis on increasing access to and opportunities for workforce investment services for this population. To the extent possible, local programs must ensure that youth participants are involved in the selection of their educational and training activities.