

WORKFORCE SYSTEM GUIDANCE No. 03-2015, December 23, 2015

TO: PENNSYLVANIA WORKFORCE DEVELOPMENT BOARD
BUREAU OF WORKFORCE DEVELOPMENT ADMINISTRATION
BUREAU OF WORKFORCE PARTNERSHIP AND OPERATIONS
LOCAL ELECTED OFFICIALS
LOCAL WORKFORCE BOARD CHAIRS AND EXECUTIVE DIRECTORS

FROM: Diane Bosak
Deputy Secretary for Workforce Development

SUBJECT: Youth Eligibility Definitions – Initial Implementation of the Workforce Innovation and Opportunity Act

I. **Purpose.** The purpose of this guidance is to provide technical assistance to workforce system stakeholders regarding relevant definitions related to WIOA Title I-B youth eligibility determination.

II. **References.**

- Workforce Innovation and Opportunity Act (WIOA or Opportunity Act), Public Law (Pub. L.) 113- 128, enacted July 22, 2014
- Workforce Innovation and Opportunity Act - Notice of Proposed Rulemaking, 80 FR 20689
- Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, et seq.
- U.S. Department of Labor Employment and Training Administration (USDOL-ETA) Training and Employment Guidance Letter (TEGL) No. 8-15, *Second Title I WIOA Youth Program Transition Guidance*, November 17, 2015
- TEGL No. 23-14, *Workforce Innovation and Opportunity Act (WIOA) Youth Program Transition*, March 26, 2015
- TEGL No. 12-01, Attachment B, *Clarification on Selected Activities and Issues under the Workforce Investment Act (WIA)*, February 21, 2002
- 22 Pa. Code §§ 11 and 12

III. **Background.** WIOA affirms the commonwealth’s commitment to providing high-quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or registered apprenticeship. Under WIOA, local areas must expend at least 75 percent of youth formula funding on services to eligible out-of-school youth (OSY), which represents a significant change from WIA’s 30 percent OSY funding requirement. The definitions included within this guidance offer the commonwealth’s interpretation and clarifications related to the determination of WIOA youth eligibility.

- IV. Enrollment.** To receive WIOA youth services, an individual must be enrolled as a youth participant. Enrollment requires the collection of information to support eligibility determination. WIOA establishes separate criteria for OSY and in-school youth (ISY). A youth applicant’s eligibility is determined at registration; therefore, a youth remains eligible to receive youth services, within their originally designated ISY or OSY category, until exited from the program.
- V. Youth Eligibility Definitions.** The commonwealth is providing the following definitions to ensure compliance with the law, expand the flexibility of local areas to expend funds appropriately, and eliminate barriers to the provision of services to individuals most in need.

Under WIOA, a key element of youth eligibility determination is whether or not the applicant is attending school or not attending school (as defined by State law). An ISY must be attending school, while OSY must not be attending school. In Pennsylvania, providers of youth services must establish this by utilizing the criteria outlined below:

- A. Attending Any School.** Youth receiving services from any one of the ‘public’ or ‘non-public’ institutions listed in the table below, as well as those being home-schooled or privately tutored, would be considered “attending school” for the purpose of WIOA Title I-B youth eligibility determination. A youth enrolled at a post-secondary institution would also be considered to be “attending school.”
- B. Not Attending Any School.** Youth not receiving services from any one of the ‘public’ or ‘non-public’ institutions listed in the table below would be considered “not attending school” for the purpose of WIOA Title I-B youth eligibility determination.

Public Schools	Non-Public Schools
<ul style="list-style-type: none"> • School districts • Charter schools • Cyber charter schools • Area vocational technical schools (AVTS) 	<ul style="list-style-type: none"> • Sectarian schools • Private schools

For the purpose of WIOA Title I-B youth eligibility determination, the Department considers individuals who are enrolled in adult basic education/GED preparation, skills training, or other remedial education programs including those offered through publicly and privately funded adult basic education programs, YouthBuild or Job Corps programs, to be “not attending school.” Eligibility for these services shall be based on the educational status of a youth, not on the location or funding source of the entity providing the service(s). Therefore, such young people must be categorized as OSY for the purposes of registration in the Commonwealth Workforce Development System (CWDS).

- C. Alternative Schools/Programs.** WIOA references ‘alternative schools’; however, Pennsylvania education law mainly uses the label “alternative” in reference to “alternative education for disruptive youth” (AEDY), not, for example, in reference to youth enrolled in GED programming. NOTE: Students enrolled in AEDY programs are considered to be “attending school.”

D. Enrolled/Not Enrolled in School.

Compulsory school age. Compulsory school age refers to the period in a child's life when he or she is required to enter and attend school. In general, all children must continue education through high school age. According to Pennsylvania education law, the timeframe for compulsory school attendance is no later than age 8 up to the age of 17 or graduation from a high school, whichever occurs first (except as otherwise provided by law).

Students of compulsory school age are not required to enroll in public school if they:

- have already graduated from high school;
- are employed consistent with the applicable provisions of section 1330;
- are enrolled in a private tutoring program;
- are participating in a home education program; or
- are enrolled in a non-public school.

Enrolled in School. A student that is on the attendance roles whether or not he or she is physically present on any given day.

School dropout. An individual who is no longer "attending any school" and who has not received a secondary school diploma or its recognized equivalent.

- VI. Coordination with WIOA Partner Agencies.** The Department strongly encourages the co-enrollment of WIOA Title I-B disconnected youth so that they may receive work experience and occupational skills through WIOA Title I funding, and literacy skills through WIOA Title II funding.

Note: This section does not directly apply to youth participants being served under Title IV (Vocational Rehabilitation Services).

- VII. CWDS Data Entry.** Any CWDS data entry-related communications necessitated by the issuance of this guidance will be forthcoming.

- VIII. Contact Entity.** Technical assistance requests and/or inquiries related to this guidance should be forwarded to the attention of the Director of the Bureau of Workforce Partnership and Operations, via the following resource account: RA-LI-BWPO-PCS@pa.gov

- IX. Rescissions.** None.