

Department of Workforce Development
Employment and Training Division
Bureau of Workforce Training
P.O. Box 7972
Madison, WI 53707-7972
Telephone: (608) 266-5370
Fax: (608) 267-0330
Email: dwdet@dwd.state.wi.us



State of Wisconsin
Department of Workforce Development
Jim Doyle, Governor
Roberta Gassman, Secretary
Ron Danowski, Division Administrator

Date: July 11, 2008

To: Workforce Development Board Directors
ASSET User Group Representatives
Youth Program Managers/Lead Contacts

From: Gary Denis, Director
Bureau of Workforce Programs

Subject: **WIA Policy Update 08-03 – WIA Youth Eligibility (Low Income and “Needs Additional Assistance”/Non-Low Income and “Faces Serious Barriers”)**

Purpose:

To revise and update the Department of Workforce Development's (DWD), Division of Employment and Training (DET) policy on how Workforce Investment Act (WIA) youth participants, eligible under the non-low income category (5% window), are counted. This policy update clarifies the distinction between "needs additional assistance" and "faces serious barriers" in Automated Systems Support for Employment and Training (ASSET) when applying locally defined eligibility barriers. It also addresses changes in WIA program references and ASSET reporting requirements and rescinds WIA Policy Update 03-09, which was published in September 2003. Low income determination is addressed in WIA Policy Update 07-03.

Policy/Legislative References:

- WIA Federal Legislation, Section 129 (C) (5)
- WIA Federal Final Rules, Sections 664.200 - 664.230
- WIA Policy Update 07-03: Cash Public Assistance and National School Lunch Program

Background:

WIA requires that at least 95% of youth served in the Title I B program be low income and be within one or more of the following categories:

- Deficient in basic literacy skills (in reading and/or math);
- School dropout;
- Homeless, runaway or foster child;
- Pregnant or parenting;
- Offender; or
- An individual (including youth with disabilities) who requires additional assistance to complete an educational program or to secure and hold employment.

Note: *This list does not include the reference to grade levels that is present in the non-low income, 5% list.*

The Act includes a provision that allows up to 5% of youth participants who do not meet the low-income eligibility requirements to receive services from the WIA Title 1 Youth Program, provided that they are within one or more of the following categories:

- Basic skills deficient (allows a state or local board to expand the literacy skills definition beyond reading and math - e.g., language, writing);
- School dropout;
- Homeless or runaway;
- Pregnant or parenting;
- Offender;
- Disabled, including learning disabilities;
- One or more grade levels below the grade level appropriate for the youth's age; or
- Faces serious barriers to employment.

Note: *This list does not include the reference to a foster child that is present in the low income list; and it provides programs with greater flexibility to extend the definition of basic skills deficiency beyond the TABE equivalents of Reading, Math Computation and Applied Math.*

While researching this issue, DET staff discovered that the distinction between the two reporting fields in ASSET is not understood, reported or tracked properly. This policy update addresses the definitions and ASSET reporting requirements for both low income and 5% non-low income youth. The Youth 5% reports in the Job Center Systems Data Warehouse will be revised and updated by August 1, 2008, to ensure that these two participant groups are accurately accounted for.

The regulations (s.664.210) state that the definition of "requires additional assistance" may be established at the State or local level. Wisconsin has requested the Workforce Development Boards (WDB) to develop their own definition, which has been included in their local WIA Plan. In providing the exception for serving non-low income youth, the regulations state (section 664.220) "face serious barriers" as identified by the Local Board. In the past, DET has not asked WDBs to develop a separate definition for "faces serious barriers" or provide their definition to us.

Policy:

When a low income youth is enrolled in the WIA Title 1 Youth program, the youth must possess one or more of the barriers listed in the low income category on page 1. If the youth is not low income, the youth must possess one or more of the barriers listed in the non-low income (5% window) category above.

The local definition for "needs additional assistance" and "faces serious barriers" may be the same, regardless of the youth's eligibility status under either the low income requirement or the non-low income, 5% window. It is also possible for a local board to establish two different definitions. Examples of other states' definitions are included in the Appendix to this policy update. These local definitions must be addressed in the local plans.

When the Job Center Systems Data Warehouse reports are revised, WIA Title 1 non-low income youth participants will continue to be counted in the 5% window at the end of each month of enrollment, beginning in the first month of the program year they are enrolled and continuing every year they remain active in the youth program.

ASSET Reporting:

There are two separate fields in ASSET for recording youth barriers. One field is labeled "Needs Additional Assistance"; the other is labeled "Faces Serious Barriers". These fields must be completed as described below.

1. If a youth is low income and the needs additional assistance criterion applies, please report the following:

Manage Programs, Title 1 Youth tab

- "Needs Additional Assistance" is marked "Yes."
- "Faces Serious Barriers" is marked "No."

2. If a youth is enrolled in the program under the 5% window and the "faces serious barriers" criterion applies, please report the following:

Manage Programs, Title 1 Youth tab

- "Needs Additional Assistance" is marked "No."
- "Faces Serious Barriers" is marked "Yes."

No youth should have both of these fields reported as "Yes." If the "needs additional assistance" or "faces serious barriers" categories do not apply, regardless of the youth's income eligibility, then both fields must be reported as "No."

Action Required:

This policy update is effective July 1, 2008, and applies to any youth who becomes a youth participant on or after this date. Local boards are not required to submit data correction requests for any active youth who has a participation date prior to this date. No monitoring findings or disallowed costs will be applied to active youth with a participation date prior to the implementation of this policy.

Local boards should review their current definition of "needs additional assistance" and determine if they wish to develop a separate definition of "faces serious barriers." If a separate definition is developed or the WDB plans to establish a separate definition in the next local plan development cycle, the WDB should inform their Local Program Liaison immediately. WDBs should also ensure that youth service providers and case managers are aware of the definition(s) and the appropriate documentation requirements.

Questions and Technical Assistance:

If you have any questions, please contact the Local Program Liaison assigned to your area.

Attachment

Appendix Other States' Definitions

These examples are provided for local program consideration only. Wisconsin DET does not endorse or otherwise express a preference for their usage over current locally defined barriers or other states' not included in these examples.

MISSOURI: Defines the two terms together as having the following meanings:

The definition of a youth that "requires additional assistance to complete an educational program or to secure and hold employment" and "faces serious barriers to employment" is:

Youth 14 through 21 years of age who meets one of the following:

- Has been or is at-risk of becoming a statistic of:
 - a local or county juvenile system;
 - an alternative residential care facility such as Division of Youth Services care facility or local group homes;
 - a substance abuse facility;
 - child-family abuse;
 - second generation public assistance;
 - having three or more jobs within the past six months;
 - an alternative education facility; or
 - an institutional center such as psychological care units.

OR

Has experienced problems with truancy, chronic behavioral or attendance problems, or has had repeated suspensions from an educational facility or an employment situation.

OR

Unique cases as approved by an authorized Workforce Development Board of Western Missouri, Inc., staff member.

IDAHO: Youth Barrier Groups: An eligible youth is defined, under WIA sec. 101(13), as an individual who:

- A. Is age 14 through 21;
- B. Is a low income individual, as defined in the WIA section 101(25); and
- C. Is within one or more of the following categories:
 - 1. Deficient in basic literacy skills;
 - 2. School dropout;
 - 3. Homeless, runaway or foster child;
 - 4. Pregnant or parenting;
 - 5. Offender; or
 - 6. Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program or to secure and hold employment. (WIA sec. 101(13))

Idaho's definition of "requires additional assistance..." is:

- 1. Has repeated at least one secondary grade level or is one or more grade levels behind age-appropriate level;
- 2. Has a core GPA of less than 1.5 or is a postsecondary student deemed by a school official to be on academic probation;

3. Is at least two semester credits behind the rate required to graduate from high school for each year of secondary education;
4. Is an individual who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English;
5. Has a family history of chronic unemployment (during the two years prior to application, family members were unemployed longer than employed);
6. Is an emancipated youth;
7. Is a current or previous dropout or is deemed at risk of dropping out of school by a school official;
8. Has been suspended two or more times from school or has been expelled;
9. Has been referred to or is being treated by an agency for depression or a substance abuse-related problem;
10. Has experienced a recent traumatic event (within two years of application), is a victim of abuse, or resides in an abusive environment as documented by a school official or professional;
11. Has aged out of foster care;
12. Is a youth 16 years of age or older who has not held a job for longer than three months or is currently unemployed and was fired from a job within six months of application;
13. Is participating in alternative education;
14. Receives, or is a member of a family who receives cash payments under a federal, State or income based public assistance program;
15. Has been determined eligible to receive Food Stamps within the six months prior to application;
16. Is 18-21 years of age and has been unemployed for the last six months.

Idaho's Definition of Faces Serious Barriers is:

1. Has repeated at least one secondary grade level or is one or more grade levels behind age-appropriate level;
2. Has a core GPA of less than 1.5 or is a postsecondary student deemed by a school official to be on academic probation;
3. Is at least two semester credits behind the rate required to graduate from high school for each year of secondary education;
4. Is an individual who does not speak English as their primary language and who has a limited ability to read, speak, write or understand English;
5. Has a family history of chronic unemployment (during the two years prior to application, family members were unemployed longer than employed);
6. Is an emancipated youth;
7. Is a current or previous dropout or is deemed at risk of dropping out of school by a school official;
8. Has been suspended two or more times from school or has been expelled;
9. Has been referred to or is being treated by an agency for depression or a substance abuse-related problem;
10. Has experienced a recent traumatic event (within two years of application), is a victim of abuse, or resides in an abusive environment as documented by a school official or professional;
11. Has aged out of foster care;
12. Is a youth 16 years of age or older who has not held a job for longer than three months or is currently unemployed and was fired from a job within six months of application;
13. Is participating in alternative education;
14. Is 18-21 years of age and has been unemployed for the last six months

CALIFORNIA: Additional Assistance to Complete an Educational Program is defined as an individual, aged 14 to 21 years of age, who on the date of application meets one of the following documented criteria:

- Is deemed at risk of dropping out of school by school official;
- Is a court/agency referral mandating school attendance;
- Has chronic attendance or discipline problems;
- Has a grade point average (GPA) of 1.5 or less;
- Is attending an alternative school/education program;
- Is credit deficient;
- Is or was in the foster care system;
- Has emotional, physical, learning or psychological impairments;
- Has been referred to or treated by an agency for substance abuse problems;
- Has unstable living conditions due to traumatic events like abuse, or neglect;
- Lacks familial support to complete an educational program.

Additional Assistance to Secure and Hold Employment is defined as an individual who on date of application meets one of the following documented criteria:

- Is 17 or 18 years old, and has attained a high school diploma or equivalency, who is an emancipated youth and:
 - Has entered into a valid marriage, whether or not such marriage was terminated by dissolution; or
 - Is on active duty with any of the armed forces of the United States of America; or
 - Has received a declaration of emancipation pursuant to California Family Code 7122.
- Is or was in the foster care system;
- Has emotional, physical, learning or psychological impairments;
- Has been referred to or treated by an agency for substance abuse problems;
- Has unstable living conditions due to traumatic events;
- Lacks familial support to secure and hold employment;
- Has never held a job;
- Has been fired from a job within the 12 months prior to application;
- Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks;

OR

- Is 19 to 21 years of age and:
 - Is or was in the foster care system;
 - Has emotional, physical, learning or psychological impairments;
 - Has been referred to or treated by an agency for substance abuse problems;
 - Has unstable living conditions due to traumatic events;
 - Has never held a job;
 - Has been fired from a job within the 12 months prior to application; or
 - Has never held a full-time job (30+ hours per week) for more than 13 consecutive weeks.

MONTANA: Meets either the Concentrated Employment Program (CEP) or Balance of State (BOS) definition of an eligible youth facing serious barriers to employment:

- a. **CEP** definition means an individual (including a youth with a disability) who has no vocational/employment goal; or has a poor work history (or no work history) or has been fired from a job in the last six calendar months.
- b. **BOS** definition means an individual (including a youth with a disability) who has no educational/employment goal; or is at risk of dropping out of school; or has a poor work history (or no work history) or has been fired from a job in the last six calendar months.