

YOUTH ELIGIBILITY

All youth participants will be dual enrolled with the Wagner-Peyser program. Many WIOA Youth over the age of 18 will be enrolled in the Adult program as the enrollment process identified below will trigger Adult participation. If the initial assessment and orientation determined the youth program may be appropriate for youth services, the WIOA application in SDWORKS will be completed.

ENROLLMENT

The enrollment process for a WIOA Youth consists of three items:

1. Eligibility determination and documentation verification as an In-School Youth (ISY) or Out-of-School Youth (OSY)
2. Objective Assessment (see [Objective Assessment](#) policy 4.9 for definition and guidance)
3. Development of the Employment Plan

Once a participant is in the enrollment process, WIOA Youth funds may be expended to determine eligibility but *may not* be utilized for program services.

Through the WIOA Youth enrollment process, an Adult participation will be triggered for those over the age of 18 by staff entering the services identified in the youth enrollment process under the SDWORKS Adult application. For participants in both the Adult and Youth programs, staff should enter in services under the Youth application. Staff should charge their time to the youth program as appropriate.

The enrollment process must be completed within 60 days of the application. If the youth does not become a youth participant within 60 days, the eligibility determination, documentation, and development of an Employment Plan must be re-established.

All youth participants must be made aware of the 12 months of follow up available to them at the time of enrollment.

PARTICIPATION

Once a participant has completed the enrollment process and receives one of the Youth Service Elements (see Youth Service Elements), they are now a participant of the youth program and will be included in the youth performance measures.

REFERRAL

Employment specialists will provide information to WIOA Youth applicants, whether enrolled in the Youth program or not, of the services available through the one stop system. The one stop system may provide services to non-eligible youth if they are funded by the appropriate program. Referrals shall be provided to assist individuals with further assessments, training and/or educational programs that have the capacity to serve the participant.

VERIFICATION OF ELIGIBILITY

Verification of eligibility is used to ensure the reliability of participant information, to guarantee services are provided to persons most in need, and to avoid potential disallowed costs. Verification of eligibility will be completed by using the Verify button and Documentation Management system in SDWORKS.

Case managers should attempt to obtain verification from partner agencies to the great extent possible to decrease burden on the applicant. For those ex-service members without a DD-214, service providers should work with local or State veterans' staff to obtain a copy. The lack of a DD-214 cannot be used to deny services; it is the responsibility of the provider – in concert with the individual – to obtain a DD-214 in the absence of other allowable documentation.

If an applicant is unable to produce the necessary documents to prove eligibility, an applicant statement may be used in certain situations, however use is limited and should be documented.

If the Employment Specialist is made aware of additional eligibility criteria after the application in SDWORKS has been finalized, verification should be obtained, uploaded in the participant's SDWORKS file, documented in case notes, and alert the Youth Labor Program Specialist for data entry.

Parental/Guardian Program Participation Consent

Enrolling a minor into WIOA Title I without parental consent can put the South Dakota Department of Labor and Regulation at increased risk of liability. DLR must obtain signed consent from a parent or guardian for youth who are under the age of 18. In situations where an unaccompanied minor, not in foster care, with no one assuming Legal Custody of them (most generally these are homeless or runaway youth) they are allowed to sign for themselves. Employment Specialists must have detailed case notes documenting the individual's situation to justify this.

SCHOOL STATUS

The process of program enrollment will likely occur over a period of time, school status must be based on the individual's status at the time eligibility determination of program enrollment is made. School status does not change through the participation period. *For example: if a student is an OSY, but returns to school, they remain an OSY.*

Attending School

- SDCL 13-27-1 explains mandatory school attendance for individuals between six and 18 years of age. The statute requires enrollment in an approved or accredited school.
- ARSD 24:43:01:01 defines a "School" as a public or nonpublic organization or entity which is approved or accredited by the secretary for the purpose of instructing children of compulsory age.
- SDCL 13-27-3 provides that a child shall be excused from school attendance if the child is otherwise provided with alternative instruction.
- ARSD 24:43:01:07 defines a non-accredited and non-approved educational setting as a setting that is neither accredited nor approved by the state of South Dakota and offers alternative instruction to school-age children whose parents have obtained a certificate of excuse from the public school district in which they reside is non-classified and is referred to as a "non-accredited and non-approved educational setting."

Alternative instruction is not defined but is synonymous with someone that is home schooled. Based upon the above statutes and rules an individual that is in home school would not be considered attending school in South Dakota. Attending School *includes* those registered for classes, is between school terms and intends to return to school (ex. Summer months), attending secondary, secondary alternative, or post-secondary school, high school equivalency programs funded through the K-12 school system, and individuals with a disability under the age of 21 who is receiving services funded through the K-12 school system. These individuals would be considered In-School.

Attending School does *NOT* include those who are not attending any school; homeschool status; attending Adult Education and Literacy under Title II of WIOA, dropout re-engagement programs, YouthBuild programs, the Job Corps program, high school equivalency programs (not funded through the K-12 school system), youth within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter, or is enrolled in non-credit-bearing post-secondary classes. These individuals would be considered Out-of-School.

ELIGIBILITY REQUIREMENTS

In order to be considered eligible for the WIOA Title I Youth program an individual must be:

1. a U.S. Citizen or Registered Alien;
2. between the ages of 14 and 24 at the time of enrollment;
3. meet Selective Service Registration requirements as outlined in the Selective Service policy; and
4. have parent/guardian consent
5. Be an eligible youth: means an in-school youth or an out-of-school youth.

WIOA separates youth in to two separate categories: In-school youth ages 14 to 21; and out-of-school youth ages 16-24

at the time of enrollment.

Age Eligibility

Age eligibility is based on age at eligibility determination. Participants may continue to receive services beyond the age of 21 for In-School Youth or 24 for OSY once they are enrolled in the program. Students who are ages 22 through 24 do not meet the ISY eligibility criteria.

For definitions related to Workforce Training Youth Eligibility, please reference the [Definitions](#) policy 9.2.

WIOA IN-SCHOOL YOUTH

Eligible ISY must be:

- A. Attending school as defined under Determining School Status
- B. Not younger than 14 and not older than 21 at the time enrollment and any one of the following categories;
- C. Low-income;
- D. one or more of the following:
 1. Basic Skills deficient;
 2. An English Language Learner;
 3. Ex-offender;
 4. A homeless individual;
 5. Youth in foster care or has aged out of the foster care system;
 6. Pregnant or parenting;
 7. Individual with a disability;
 8. An individual who meets the additional assistance criteria:
 - i. No employment in the last 6 months
 - ii. Has a record of not being able to hold employment due to being fired, or quitting two or more jobs in the last six months
 - iii. Has a history of substance abuse
 - iv. Having one or more parents currently incarcerated
 - v. Is a veteran

In-School Youth Additional Assistance Limitation

Not more than 5 percent of the ISY may be assisted under the additional assistance barrier. If a participant only meets additional assistance, the Employment Specialist must obtain availability approval from WIOA Youth Labor Program Specialist prior to participation.

WIOA OUT-OF-SCHOOL YOUTH

Eligible OSY are youth who are:

1. Not attending any school as defined under Determining School Status;
2. Not younger than 16 and not older than age 24 at time of enrollment; and
3. Meet one or more of the following:
 - a. School dropout;
 - b. 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;
 - c. A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual **and** is either:
 - i. basic skills deficient; or
 - ii. an English language learner;
 - d. An individual who is subject to the juvenile or adult justice system;
 - e. A homeless individual which may include:
 - i. runaway youth;

- ii. youth in foster care or has aged out of the foster care system;
 - iii. youth eligible for assistance under Sec. 477 of the Social Security Act (Chafee Foster Care Independence Program); or
 - iv. youth in an out-of-home placement.
- f. Pregnant or parenting;
- g. Individual with a disability;
- h. A low-income individual who requires additional assistance to:
- i. No employment in the last 6 months.
 - ii. Has a record of not being able to hold employment due to being fired, or quitting two or more jobs in the last six months.
 - iii. Has a history of substance abuse.
 - iv. Having one or more parents currently incarcerated.
 - v. Is a veteran.

Low Income Eligibility Exception

WIOA allows a low-income exception where five percent of WIOA youth (In-School and Out-of-School) may be participants who ordinarily would be required to be low-income for eligibility purposes and 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 newly enrolled youth in the local area's WIOA Youth program in a given program year who would ordinarily be required to meet low-income criteria.

Prior to enrolling youth under the 5 percent window, the Employment Specialist must contact the WIOA Youth Labor Program Specialist to obtain availability approval.

**WIOA Law §3 & 129
20 CFR §677.150, §681.230 & §681.240
South Dakota Codified Law
Administrative Rules of South Dakota
Participant Individual Record Layout
TEGL 21-16
SDDL R Policy §4.3
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