YOUTH ELIGIBILITY

All WIOA Title I Youth participants will also be enrolled in the Wagner-Peyser Title III program. Many Title I Youth over the age of 18 will be enrolled in the Title I Adult program as the enrollment process identified below will trigger participation.

The enrollment process for a WIOA Title I 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 Assessment Policy 4.9 for definition and guidance).

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 appropriate Youth services, they are now a participant of the youth program and will be included in the youth performance measures. Financial services are not available for an individual until they are a participant.

REFERRAL

Provide information about the services available through the One-Stop system to WIOA Title I Youth applicants regardless of their enrollment status. The One-Stop System may provide services to non-eligible youth if they are funded by the appropriate program. Referrals to One-Stop partners and other providers are provided to assist individuals with further assessments, training and/or educational programs that have the capacity to serve the participant. Refer to One-Stop System Policy 3.2 for a list of core programs and partners.

PARENTAL/GUARDIAN CONSENT

Release of Information
A parent/guardian signature is required on the Release of Information (Form 1) for applicants under the age of 18 in order to provide financial services. However, if an exception is deemed appropriate for applicants who are unable to produce the parent/guardian signature, the requirement can be waived. Exceptions are determined by a Labor Program Specialist and documented in case notes.

Low Income
A parent/guardian must complete the Budget Worksheet (Resource 22) if:
- Low income status is needed to determine eligibility; and
- the Budget Worksheet (Resource 22) is utilized to help verify low income status; and
- a parent’s income is needed on the applicant statement of income; and
- the individual is under the age of 18

If an exception is deemed appropriate for applicants who are unable to produce the parent/guardian signature, the requirement can be waived. Exceptions are determined by a Labor Program Specialist and documented in case notes.

Signature Request
Parent/Guardian signatures are requested Equal Opportunity (Form 2), but not required:
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 Out-of-School Youth, but returns to school, they remain an Out-of-School Youth.

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, a home-schooled individual 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

For definitions related to determining eligibility, see Definitions Policy 9.2.

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; and
2. between the ages of 14 and 24 at the time of enrollment (see “Age Eligibility” below); and
3. meet Selective Service Registration requirements as outlined in the Selective Service Policy 4.6; and
4. Be an eligible In-School Youth or an Out-of-School Youth as identified below.

Age Eligibility

Age is identified during the eligibility determination. Participants may continue to receive services beyond the age of 21 for In-School Youth or 24 for Out-of-School Youth once they are enrolled in the program. Students who are in school and between the ages 22 and 24 do not meet youth eligibility criteria.

WIOA In-School Youth Eligibility

Eligible In-School Youth must be:

1. Attending school (as defined under the “School Status” section above); And
2. Not younger than 14 and not older than 21 at the time enrollment; And
3. **Low-income**: A program must calculate the five percent based on the percent of newly enrolled youth in the WIOA Youth program in a given program year.; And

4. one or more of the following:
   a. **Basic Skills deficient**;
   b. An English Language Learner;
   c. Ex-offender;
   d. A homeless individual as defined by the McKinney-Vento Homeless Assistance Act and or a runaway youth or a youth in an out of home placement.
   e. Youth in or aged out of a foster care system;
   f. Pregnant or parenting;
   g. Individual with a disability;
   h. Eligible under an additional assistance category**:
      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

**WIOA Out-of-School Youth Eligibility**

Eligible Out-of-School Youth who are:

1. Not attending school (as defined under the “School Status” section above); and
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 as defined by the amended McKinney Homeless Assistance Act. May also include:
      i. runaway youth;
      ii. Youth in or aged out of a foster care system;
      iii. youth in an out-of-home placement.
   f. Pregnant or parenting;
   g. Individual with a disability;
   h. A **low-income** 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.

^Low Income Eligibility Exception – If an applicant meets all other eligibility criteria for WIOA Title I Youth except the low-income criteria, eligibility could still be possible. Five percent of WIOA Youth can be participants who meet all other eligibility criteria for WIOA Title I Youth except the low-income criteria. Prior to enrolling Title I Youth under the five percent window, the Employment Specialist must contact the WIOA Youth Labor Program Specialist to obtain availability approval. A program must calculate the five percent based on the percent of newly enrolled youth in the WIOA Youth program in a given program year.
**Additional Assistance Limitation** – If a participant only meets additional assistance, obtain availability approval from WIOA Youth Labor Program Specialist prior to participation. Not more than 5 percent of the In-School or Out-of-School Youth in South Dakota may be assisted under the additional assistance barrier.

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