

This quick desk reference provides brief information on eligibility requirements for the Workforce Innovation and Opportunity Act (WIOA) Youth program, including key changes from the Workforce Investment Act (WIA) to WIOA and provisions in WIOA's final regulations that differ from those outlined in the Notice of Proposed Rulemaking (NPRM).

## Eligibility Sections in the Act and Regulations

### THE ACT

Section 129(a)(1)

Link: [gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf](http://gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf)

### FINAL REGULATIONS

Section 681, Subpart B –  
Section 681.200 - 681.320

Link: [gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf](http://gpo.gov/fdsys/pkg/FR-2016-08-19/pdf/2016-15975.pdf)

## Key Eligibility Changes under WIOA

- ▶ **Out-of-School Youth (OSY) priority:** minimum expenditure rate of 75% must be spent on OSY.
- ▶ **Low income does not apply to most OSY;** only applies to 2 of the barriers: 1) individuals 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 2) individuals who require additional assistance to enter or complete an educational program or to secure or hold employment; low income does apply to all in-school youth (ISY).
- ▶ **Two new proxies for low income for youth:** a youth living in a high-poverty area and a youth (ISY only) who receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (youth who are in whole school free/reduced lunch are not automatically eligible – individual youth must be eligible).
- ▶ **Age eligibility** is now 16-24 for OSY and 14-21 for ISY.
- ▶ **Individual with a disability** added to list of barriers for eligibility (for both ISY and OSY).
- ▶ **New barrier for OSY:** youth who is within age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter.
- ▶ **New limitation of “requires additional assistance” barrier for ISY:** not more than 5% of ISY in a given program year can be eligible based on this barrier (major change – many ISY used this barrier under WIA).

## Final Rule

Key Element	Citation	Highlights
Homeless and foster youth	<b>681.210 and 220</b>	<ul style="list-style-type: none"> <li>▶ Are now separate barriers in the final rule (Note: OSY now has 9 categories of barriers and ISY has 8 categories)</li> </ul>
Definition of “school”	<b>681.230</b>	<ul style="list-style-type: none"> <li>▶ Added high school equivalency programs</li> <li>▶ Dropout re-engagement programs are not schools (these were not listed in NPRM) in addition to Job Corps, YouthBuild, and Adult Education provided under WIOA Title II. (Note the exception for those attending high school equivalency funded by the public K-12 system; school refers to both secondary and postsecondary school)</li> </ul>
Timing of school status determination	<b>681.240</b>	<ul style="list-style-type: none"> <li>▶ Based on time of enrollment (i.e. eligibility determination portion of enrollment) and does not change while in program</li> </ul>
Low income	<b>681.250</b>	<ul style="list-style-type: none"> <li>▶ Only two OSY barrier categories must be low income</li> <li>▶ All ISY must be low income</li> <li>▶ 5% exception (in a given program year) for those who would typically need to be low income</li> </ul>
Youth living in high poverty	<b>681.260</b>	<ul style="list-style-type: none"> <li>▶ Defines youth living in high poverty (the other new category for low income) and lowers it to 25% poverty rate in final rule (was 30% in NPRM)</li> </ul>
“Requires additional assistance” barrier	<b>681.300 and 310</b>	<ul style="list-style-type: none"> <li>▶ Slightly different for ISY and OSY</li> <li>▶ Note the 5% limitation for the use of this barrier for ISY (this is a major change from WIA)</li> </ul>
What must occur to be a participant	<b>681.320</b>	<ul style="list-style-type: none"> <li>▶ Articulates the following must occur in order to be a participant: eligibility determination, assessment, Individual Service Strategy (ISS), and provision of 1 of the 14 program elements</li> </ul>