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## WIOA Youth Services Overview from a Disability Perspective

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This article is a summary of youth services under WIOA, the Workforce Innovation and Opportunity Act signed into law in July 2014, replacing the Workforce Investment Act (WIA). While the core structure of youth services under WIOA remains essentially the same as the structure under WIA, there are a number of key changes. These include: increasing the amount of youth services funds that must be spent on out-of-school youth from 30% to 75% of the federal allocation, expanding the age of eligibility for Out-of-School services to age 24, making disability a core category for eligibility for all youth services, and expanding the required program elements. These changes will go into effect in July of 2015.

### What are WIOA Youth Services?

WIOA youth funds are targeted at young people who are both in and out-of-school, to assist them in their career and educational development. These funds are allocated to states by the US Department of Labor using a formula based on a number of factors detailed in the WIOA legislation. At least 75% of funds must be used for out-of-school youth. The types of services funded include training and youth development programs for young people who have left school, as well as after-school services and employment supports for young people still in school (see “What are the types of activities available under WIOA Youth Services?” later in this publication). Young people with disabilities are highly eligible for these services. All youth with disabilities, ages 16 -24 who are not attending school, are eligible for out-of-school services. Youth with disabilities up to age of 21 are eligible for in-school services if they are low-income or meet other eligibility criteria. Funds for youth services are primarily administered by local workforce boards, although states may reserve up 15% of funds they receive from the US Department of Labor for statewide workforce investment activities. Workforce boards have some discretion regarding how funds are utilized, with funds often distributed via a competitive grant process to area youth service providers.

### What are the eligibility criteria for out-of school youth services?

- A. Age 16 to 24 and not attending school
- B. Fall within one or more of the following categories:
  1. Individual with a disability
  2. School dropout
  3. Not attended school for at least the most recent complete school year calendar quarter.
  4. A high school graduate who is: basic skills deficient; or an English language learner.
  5. Offender
  6. Homeless, runaway, or foster child
  7. Pregnant or parenting
  8. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

### What are the eligibility criteria for in-school youth services?

- A. Age 14 to 21 and attending school
- B. Low-income individual

C. Fall within one or more of the following categories:

1. Individual with a disability
2. Basic schools deficient
3. English language learner
4. Offender
5. Homeless, runaway, or foster child
6. Pregnant or parenting
7. An individual who requires additional complete an educational program or to secure or hold employment

### **How is low income defined?**

WIOA uses a standard known as the Lower Living Standard Income Level (LLSIL) to generally determine whether income is low enough to be eligible for WIOA youth services. Earnings less than 70% of the LLSIL meet the definition of “low income individual”. In cases where the income national poverty guideline figure is higher, that figure is used instead. Individuals living in a high-poverty area are also considered low-income.

### **Are there ways that young people with disabilities have increased eligibility for in-school youth services?**

Youth with disabilities attending school, up to the age of 21, are eligible for in-school services *if they are low income*. However, WIOA has language that expands the definition of low-income for individuals with disabilities as well as additional ways that youth with disabilities may qualify:

- While for most young people, the family’s income is used to determine eligibility, youth with a disability are considered a “family of 1” (i.e., only the youth’s income, not their family’s income, is considered in determining whether the youth meets income criteria). For a family of 1 in Massachusetts to be considered low income for the purposes of WIOA eligibility, they can earn no more than approximately \$10,400 to \$11,300 annually, depending on where they live. *(Note: The definition and use of the term “family of 1” used here applies only to the use of WIOA youth funds, and should not be confused with other uses of this term such as with Social Security.)*
- Any youth who meets the income eligibility criteria for receiving cash payments under any Federal, State or local public assistance program (such as SSI benefits from Social Security), is eligible for youth services.
- Up to 5% of participants in youth programs do not have to meet income criteria.

The bottom line: all youth with disabilities not attending school are eligible for out-of-school youth services, and youth with disabilities are also highly eligible for in-school youth services.

### **What types of activities are available under WIOA youth services?**

Per the Workforce Innovation and Opportunity Act, the following 14 program elements are to be provided to youth:

1. Tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies
2. Alternative secondary school offerings or dropout recovery services
3. Paid and unpaid work experiences with a academic and occupational education component
4. Occupational skill training, with a focus on recognized postsecondary credentials and in-demand occupations
5. Leadership development activities (e.g., community service, peer-centered activities)
6. Supportive services
7. Adult mentoring

8. Follow-up services for at least 12 months after program completion
9. Comprehensive guidance and counseling, including drug and alcohol abuse counseling
10. Integrated education and training for a specific occupation or cluster
11. Financial literacy education
12. Entrepreneurial skills training
13. Services that provide labor market information about in-demand industry sectors and occupations
14. Postsecondary preparation and transition activities

Elements 10 to 14 are new elements under WIOA. Local programs have the discretion to determine what specific program services will be provided to a youth participant, based on each participant's objective assessment and individual service strategy.

### **How is disability defined under WIOA?**

The definition of disability that applies to services provided under the Workforce Innovation and Opportunity Act, is the Americans with Disabilities Act definition: an individual with a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or regarded as having an impairment.

### **What documentation is required to determine if an individual has a disability?**

The following documentation may be used to determine that an individual has a disability

1. Letter from Drug or Alcohol Rehabilitation Agency
2. Letter from Child Study Team Stating Specific Eligibility
3. Medical Records
4. Observable Condition
5. Physician Statement
6. Psychiatrist's/Psychologist's Diagnosis
7. Rehabilitation Evaluation
8. School Records
9. Sheltered Workshop Certification
10. Social Service Records\Referral
11. Social Security Administration Disability or Veterans Admin. Records
12. Vocational Rehabilitation Letter
13. Workers Compensation Record

*(MassWorkforce Issuance No 08-46, Attachment F, October 24, 2008)*

### **Are WIOA programs required to provide accommodations to people with disabilities?**

Yes. Section 188 of WIOA is clear that programs funded under WIOA must be fully accessible to individuals with disabilities, and that people with disabilities are entitled to reasonable accommodations and modifications that allow them to fully participate in WIOA funded programs. In 2006, USDOL provided guidance regarding accommodating individuals with disabilities in testing and assessment conducted by youth programs. See pages 17 & 18 of USDOL TEGL 17-05, February 17, 2006 - <http://wdr.doleta.gov/directives/attach/TEGL17-05.pdf>. While this guidance was written for WIA, it is expected that it would be similarly applicable under WIOA.

### **How do I find out about the availability of youth services?**

For information on youth services in your local area, contact your local workforce investment board. A listing of LWIBs is at: [www.massworkforce.com](http://www.massworkforce.com).