



WORKFORCE INNOVATION AND OPPORTUNITY ACT

VIRGINIA WORKFORCE LETTER (VWL) No. 16-11

TO: Local Workforce Development Boards

FROM: Nicole Overley
Commissioner, Virginia Works *Nicole Overley*

SUBJECT: Youth in Need of Additional Assistance Requirements and In-School Youth 5% Limitation Barrier

EFFECTIVE DATE: 02/15/2025

PURPOSE:

To provide local workforce areas with guidance regarding the use of Youth In Need of Additional Assistance as a barrier for In-School Youth (ISY) and Out-of-School Youth (OSY) programs.

To provide guidance on the use of the 5 Percent Limitation when determining eligibility for In-School Youth (ISY) program services under Title I of the Workforce Innovation and Opportunity Act of 2014.

REFERENCES:

Training and Employment Guidance Letter (TEGL) WIOA 8-15: Operating Guidance for the Workforce Innovation and Opportunity Act

Workforce Innovation and Opportunities Act (WIOA) (Pub. L. 113-128) Title I, Section 129 (a) (3) (A) (ii) Workforce Innovation and Opportunities Act (WIOA) (Pub. L. 113-128) Title I, Section 126 (a) (3) (B) Federal Register, Department of Labor, Employment and Training Administration (ETA) 20 CFR 683.250(c), Final Rules

Federal Register, Department of Labor, Employment and Training Administration (ETA) 20 CFR 681.310(b), Final Rules

Virginia Workforce Letter (VWL) No. 15-02 WIOA Eligibility

Virginia Workforce Letter (VWL) No. 15-02, Attachment C: WIOA Youth Eligibility

Virginia Workforce Letter (VWL) No. 14-04 Youth In Need of Additional Assistance Requirements

REVISIONS:

This guidance replaces VWL 14-04, Youth in Need of Additional Assistance Requirements, effective December 1, 2014.

DEFINITIONS:

In-School Youth (ISY) - An individual who is age 14-21, attending school, low income, and meets one or more of the following conditions:

Basic skills deficient; English language learner; an offender; homeless, runaway, in foster care or aged out of the foster care system; pregnant or parenting; an individual with a disability; person who requires additional assistance to enter or complete an educational program or to secure and hold employment.

Out-of-School (OSY) - An individual who is age 16-24, not attending any school, and meet one or more of the following conditions:

School dropout; within age of compulsory attendance but has not attended for at least the most recent complete school year calendar quarter; holds a secondary school diploma or recognized equivalent and is low-income and is basic skills deficient or an English language learner; subject to the juvenile or adult justice system; homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act, or in out-of-home placement; pregnant or parenting; an individual with a disability; low income person who requires additional assistance to enter or complete an educational program or to secure and hold employment.

Eligible Youth - All youth classified as either In-School (ISY) or Out-of-School (OSY) at the point of WIOA program registration who meet the respective WIOA Youth Program eligibility requirements for youth program participation.

5 Percent Limitation Requirement - No more than 5 percent of the In-School Youth (ISY) may be made eligible under the Needs Additional Assistance barrier per any program year (PY).

Need of Additional Assistance -A youth individual who requires additional assistance to complete or enter an educational program, or to secure and hold employment based on WIOA criteria for program registration and eligibility or an Out-of-School or In-School Youth applicant.

BACKGROUND:

The Workforce Innovation and Opportunity Act (WIOA) Youth Services Eligibility criteria consist of two primary components; Income eligibility and youth barriers to employment. WIOA allows local areas to provide services to youth who are low income but do not meet one of the program barriers for youth eligibility (see VWL 15-02, Attachment C). These participants are considered "youth who need additional assistance" to succeed in their educational and employment goals. This provision may result in additional services to youth populations with more significant barriers to employment.

GUIDANCE:

The intent to use the category Youth in Need of Additional Assistance to enter or complete an education program, or to secure and hold employment by a local workforce investment area must be defined and included in the Local Workforce Development Area (LWDA) policy and youth plan. Issuance of specific guidelines and requirements are left to LWDA's to develop for determining what qualifies as a need for additional assistance. Determination must be made in a manner that is in keeping with the needs of youth in their local workforce region. The policy and guidelines shall allow youth to be determined eligible based on their need for increased support to achieve their educational and career goals.

A. Eligibility Criteria for Youth Who Require Additional Assistance

An eligible youth who requires additional assistance to complete an educational program, or to secure and hold employment, means an individual who is:

- a. Enrolled in an education program, but also requires additional assistance beyond that offered by the service provider in order to complete the activity or program; or
- b. An eligible youth who is near the point of being ready for a job or employment, but requires additional assistance under Title I to acquire or retain a job.
- c. The additional requirements will be specified by the educational program operator to avoid failure in the program, a prospective employer to avoid failure in obtaining a specific job, or a present employer to prevent an employed youth from losing employment.
 - i. These additional requirements must be documented in the youth's individual service plan (ISP).

B. LWDA's using Additional Assistance as a "Youth Barrier" for Eligibility

LWDAs addressing the Youth in Need of Additional Assistance barrier for youth eligibility must have a board approved policy written and endorsed by the local Workforce Development Board (LWDB). The LWDB's written policy for the youth in need of additional assistance must reflect the following:

- a. Each LWDA must define "an individual who requires additional assistance to complete an educational program or to secure or hold employment" in local policy and include the definition in the local area plan.
- b. Local policies established must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the policy objectively requires additional assistance.
- c. The local area must define "youth who needs additional assistance" in a manner that is in keeping with the needs of youth in the local workforce region.
- d. Each LWDA must specify eligibility source documentation requirements for the youth in need of additional assistance criteria.

The "Youth in Need of Additional Assistance" barrier may contain a variety of youth characteristics. As an example, these may include some of the following:

- a. is one or more grade levels below their actual grade level in reading or math;
- b. has an above average number of absences during the past school year in comparison to other students in the school;
- c. is placed on probation, suspended from school, or expelled from school one or more times during the past two years;
- d. has an incarcerated parent;
- e. is an out-of-school youth who has not held a full-time job for more than three consecutive months and lacks work readiness skills necessary to obtain and retain employment as documented by the youth objective assessment.

C. Youth in Need of Additional Assistance for ISV and OSV

In-School Youth

WIOA's eligibility criteria for ISY is "an individual who requires additional assistance **to complete** an educational program or to secure or hold employment."

- a. 5% Limitation for ISY: not more than 5 percent of the ISY assisted may be determined eligible based on the barrier for an ISY who requires additional assistance to complete an educational program or to secure or hold employment. For example, if a LWDA enrolls **100** ISY during a program year (PY), only **5** of those **100** youth can be determined eligible to be served using the "additional assistance" criterion.

Out of School Youth

WIOA's eligibility criteria for OSY is "an individual who requires additional assistance **to enter or complete** an educational program or to secure or hold employment."

- a. There is no 5% limitation for OSY.

NOTE: The 5 percent "limitation" criterion only applies to the In-School Youth who Need Additional Assistance; whereas the 5 percent "exception" criterion applies to ISY and OSY who do not meet the Low-Income criteria. See **VWL 16-12** for more information regarding the 5 percent Income Exception.

ACTION REQUIRED:

- Local Workforce Development Areas must take the necessary action to ensure compliance with this policy.
- Local areas must use the Local Workforce Development Board approved definition of "youth in need of additional assistance" as defined in their Local Youth Policy and Local Area Plan.

LWDB must ensure that youth service providers are informed of this policy

INQUIRIES:

Please submit inquiries regarding this VWL to:

Virginia Works

WIOA Title I Administrator

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