

**Comprehensive Case Management and Employment Program (“CCMEP”)
WIOA Youth Eligibility Policy
Northeast Ohio Consortium Council of Governments
Workforce Innovation and Opportunity Act**

POLICY B-01

I. Purpose.

This policy governs the general terms and conditions associated with the provision of WIOA CCMEP Youth eligibility determination services. In addition to this policy, the Workforce Area, in procuring and contracting with its CCMEP providers, may establish additional terms and conditions in provided for within their written agreements with those providers that govern the provision of eligibility determination services. The terms and conditions of those written agreements shall apply as if written as part of this policy, so long as they are consistent with and not contradictory towards all applicable federal and state laws, regulations, and guidance, and this policy.

In adopting this policy, the Workforce Development Board for Area 19 encourages each of the county CCMEP lead agencies to adopt this policy or one that is substantially similar, that governs the terms and conditions of the provision of eligibility determination services using TANF CCMEP funding streams.

II. Effective Date.

July 1, 2015. Revised effective July 1, 2018.

III. Background.

WIOA affirms the commitment to provide high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education.

The WIOA CCMEP Youth program is designed to provide services, employment, and training opportunities to those who can benefit from, and who are in need of such opportunities. Meeting the eligibility criteria for a WIOA-funded program does not entitle a youth to receive certain program elements and services. Local decisions on whether to provide specific services must be based upon local policy considerations, including the Appropriateness Policy, see **Area Workforce WIOA Policy C-04**.

IV. Requirements.

A. In-School Youth Eligibility Requirements.

The following are eligible In-School Youth:

1. Attending school;
2. Not younger than 14 or (unless an individual with a disability who is attending school under state law) older than age 21;
3. Is a low-income individual; and
4. Has one or more of the following barriers:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual. As defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)); a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)); a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program; or in an out-of-home placement;
 - Pregnant or parenting;
 - An individual with a disability; or
 - An individual who requires additional assistance to complete an education program or to secure or hold employment as defined as follows:
 - Any youth receiving failing grades to complete an educational program; **OR**
 - Any youth that has applied to 5 employers and has been unsuccessful in obtaining employment; **OR**
 - Any youth who has been terminated from 2 or more employers; **OR**
 - A youth that has or had an Individual Education Plan (IEP).

B. Out-of-School Youth Eligibility Requirements.

The following are eligible Out-of-School Youth:

1. Not attending any school;
2. Not younger than 16 or older than age 24; and
3. Has one or more of the following barriers:
 - A school dropout;
 - A 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;
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner;
 - An individual who is subject to the juvenile or adult justice system;

- A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth (as defined in section 725 (2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under the John H. Chafee Foster Care Independence Program, or in an out-of-home placement;
- An individual who is pregnant or parenting;
- A youth who is an individual with a disability; **OR**
- A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment as defined as follows:
 - Any youth receiving failing grades to complete an educational program; **OR**
 - Any youth that has applied to 5 employers and has been unsuccessful in obtaining employment; **OR**
 - Any youth who has been terminated from 2 or more employers; **OR**
 - A youth that has or had an Individual Education Plan (IEP).

C. TANF Eligibility.

The lead agency and/or provider(s) that are responsible for determining eligibility will have all participants complete the JFS 03002 application in order to determine whether the youth is eligible to participate in CCMEP as one or are of the following eligible candidates to participate:

1. An In-School WIOA participant;
2. An Out-of-School WIOA participant;
3. A TANF eligible voluntary participant; or
4. A TANF eligible mandated participant.

The lead agency and/or provider determining eligibility will determine eligibility as set forth within Section IV. E. 1. of this Policy.

D. Miscellaneous Requirements.

1. Definition of School for Eligibility Purposes.

For the purposes of youth eligibility, school includes secondary and post-secondary schools. It does not include attending classes with Adult Basic Literacy Education (ABLE), YouthBuild, or JobCorps.

2. Compulsory School Attendance.

Children of certain age range are required to receive some type of formal education whether it be through public, private, or home schooling. In Ohio, compulsory education laws require children between the ages of six (6) and 18 to attend school. The laws make some exception, including if the child:

- Received a high school diploma before the age of 18;
- Is over the age of 14 years old, lawfully employed, and it is necessary that he or she work;
- Has a physical or mental condition that does not allow for school attendance; or
- Is homeschooled.

For the purposes of this policy, if a child is being homeschooled, the child would be considered to be an in-school youth as long as all other eligibility criteria have been met.

3. Most Recent Complete School Year Calendar Quarter.

Because school districts differ in what they use for school year quarters, the time period of a school year quarter is based on how the local school district or the charter school defines its school year quarters.

4. Dropout Status.

Local areas must verify a youth's dropout status at the time of enrollment into the youth program. A youth attending an alternative school at the time of enrollment is not a dropout. A youth who is out-of-school at the time of enrollment and subsequently placed in an alternative school or any school, is an out-of-school youth.

5. Basic Skills Deficient.

In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population. The local program must also provide reasonable accommodation in the assessment process, if necessary, for people with disabilities.

6. Additional Criteria for Low Income.

The term, low income, used to determine youth program eligibility includes a youth living in a high-poverty area. Census data is available to the local areas to assist in determining poverty rates for particular communities. If the poverty rate for a particular community is at least 30%, a youth living in that community may be considered low income.

A provider may obtain this poverty information, on the internet at the following address:

http://development.ohio.gov/reports/reports_am_com_survey.htm.

Information is contained under "Selected Socio-economic Measures" and is broken down by county and within the county, by city or village. The spreadsheet will show the "Ratio of Income to Poverty Level." If the percentage for the "0% to 99%" is at least 30%, the high-poverty area criterion is met.

7. Five percent (5%) Exception of Youth Eligibility.

Up to five percent (5%) of in-school and out-of-school youth participants served by youth programs in a local area may be individuals who would be covered individuals except that the persons are not low-income. Calculate the 5% based on the percent of newly enrolled youth in a given program year who would ordinarily be required to meet the low-income criteria. See TEGL 21-16, p. 6. For example, a local enrolled 200 youth and 100 of those were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria, and 50 were ISY. In this example the 100 youth to whom the low income criteria applied multiplied by 5%, or 5, equals the number that can be enrolled even though they do not meet the low-income exception.

8. Five percent (5%) Limitation of In-School Youth Eligibility.

Not more than five percent (5%) of in-school youth may be eligible based upon being an individual who requires additional assistance to complete an educational program or to secure or hold employment. Calculate the 5% based on the percent of newly enrolled youth in a given program year.

9. Selective Service Eligibility.

Male youth participants who are 18 years of age and older and have fulfilled registration requirements of the Military Selective Service Act (MSSA) are eligible to participate in WIOA-funded programs and services. **See Area Workforce WIOA Policy C-02.**

A male youth applicant, age 18 years old and older, who has not registered for the selective service or who is unwilling to register, will be denied any WIOA program services.

E. Services Protocol for Eligibility Determinations.

1. The eligibility provider will require each client/participant schedule an appointment for a time to come in and determine eligibility. That participant and provider will go through the determination process, including completion of the JFS 03002.
2. If the individual is determined eligible, but is not a mandated participant, s/he will be referred to a case manager for further framework design services, so long as the lead agency has determined that it has sufficient resources to serve the Youth and has not otherwise established enrollment limitations and/or a priority of service policy that restricts enrollment. The lead agencies for the Area shall have the authority to establish in conjunction with the Area WDB a limitation or priority of services on enrollment for WIOA eligible participants. The lead agencies for the Area shall have sole authority to establish a limitation or priority of services on enrollment for all TANF eligible participants.
3. A provider will also be responsible for the completion of whatever subjective assessment is required (JFS form 03003 or 03006).
4. An eligibility provider will also have potential participants engage in a scored basic skills assessment required pursuant to WIOA and/or TANF (the T.A.B.E. test unless otherwise agreed). In all instances, the eligibility provider shall refer and schedule the participant to take and complete their basic skills assessment sometime between the determination of eligibility and ten (10) days after the case manager has performed the JFS 03003 or 03006 assessment. This time frame may be exceeded under exigent circumstances, or where the individual participant is uncooperative.
5. Upon the submission of the basic skills assessment results to the case manager, the eligibility provider's responsibilities with Pre-Enrollment Eligibility and Framework Design shall be considered fulfilled.

F. Services Protocol for Case Management.

1. Upon the receipt of the basic skills assessment scores by the eligibility provider, and the completion of the comprehensive assessment (JFS form 03003), whichever event occurs later, the case manager shall have ten (10) days to finalize the Individual Opportunity Plan ("IOP" JFS form 03003) for the CCMEP participant. This time frame may be exceeded under exigent circumstances, or where the individual participant is uncooperative. The case manager provider may initiate a draft of the IOP at any time following referral, but no IOP shall be considered final, until each of the following has occurred, but not necessarily in the order listed:

- a. the participant (and/or his or her parent/guardian when the participant is younger than age eighteen) has signed the acknowledgement on page four (4) of the application (JFS form 03002);
 - b. the basic skills assessment test was completed by the participant, the test scores have been completed, and the provider has reviewed the scores and incorporated anything that those results dictate need to be reflected within the IOP (JFS form 03004);
 - c. the comprehensive assessment (JFS form 03003) has been completed, and the same has been signed by the participant (and/or his or her parent/guardian when the participant is younger than age eighteen) on page 8 of 9 of the same;
 - d. the IOP (JFS form 03004) has been completed, reflecting all of the information gathered from JFS forms 03002, 03003, and the results of the basic skills assessment, listing each of the program services to which the individual is being referred, and the IOP has been signed by the participant and/or his or her parent/guardian, including any and all changes made to the IOP following the initial drafting and execution of the same.
2. Only upon the completion of all of the steps set forth immediately above within paragraph E 1 of this Services Protocol, can the initial Framework Design of Case Management be deemed to be completed. Only upon the completion of the initial Framework Design, may the case manager then refer the individual for one or more of the fourteen (14) elements, or thirty-two (32) activities permitted pursuant to the CCMEP, to a provider set forth within the approved provider list.
 3. A case manager will only register/enroll a participant into OWCMS or will allow a tentative initial registration/enrollment to stand without cancelling and reversing an initial assigned service, unless and until:
 - a. the participant has been assigned to a Program Services provider,
 - b. the Program Services provider has accepted that participant for Program Services, and
 - c. the provision of one of the fourteen (14) elements and/or thirty-two (32) activities has actually been conferred upon the participant.

Unless a participant has actually received a Program Service, it is agreed that no program provider may register/enroll the participant as a CCMEP services recipient within the OWCMS, or leave a tentative enrollment into OWCMS as permanent.

4. When the case manager and/or program services provider registers and enrolls a participant into the OWCMS case management system, s/he

shall make an election of whether the individual is registered/enrolled as a TANF eligible participant, a WIOA eligible participant, or as a dual program eligible participant. The determination by the provider of which grant it shall register/enroll an individual as a Program Services recipient shall always adhere to the following rules:

- a. Sole Eligibility. A provider may never register/enroll a participant under a program for which s/he is not eligible. If a participant is only eligible to receive Program Services under either the TANF or WIOA grants, registration/enrollment will always be pursuant to the only program for which they have been determined eligible.
 - b. Dual Eligibility. The TANF program grant funds for CCMEP are anywhere from two and a half to three times larger than the CCMEP WIOA grant, and the TANF funds have a one (1) year grant life. In comparison, the WIOA grant funds are much smaller, and have a two (2) year grant life. In order to have enough WIOA funds available to serve those that are just WIOA eligible, where a participant has been determined to be dually eligible for registration/enrollment of Program Services under TANF and WIOA grants, eligibility provider shall primarily register/enroll or allow the registration/enrollment of these participant Program Services under TANF eligibility. However, the lead agency may elect to register/enroll under WIOA eligibility the Program Services of any participant that is dually eligible under both grants, and or permit a provider to do the same, should it deem that WIOA enrollment/registration is within the lead agency and the participant's best interests.
5. The staff of the lead agency and all providers staff shall maintain a system of communication so that they can regularly engage in a written and oral dialogue regarding the participant.
 6. The primary case management system of record shall be the OWCMS system. Providers may maintain additional complimentary case management systems, but in all cases, there may not be any documentation or notes that are placed in those complimentary systems that are not first or concurrently entered into the OWCMS system.

G. Out-of-School Priority.

The Workforce Area will require that all providers target to expend not less than 75 percent (75%) of their contracted WIOA funds on Out-of-School Youth. The Workforce Area reserves the right to take actions against the provider should they not achieve that targeted goal.

H. Definitions.

Age of compulsory school age: a child who is between six (6) and 18 years of age.

Alternative school: schools which offer specialized, structured curriculum inside or outside of the public school system which may provide work/study and/or academic intervention for students with behavior problems, physical/mental disabilities, who are at-risk of dropping out, who are institutionalized or adjudicated youth and/or youth who are in the legal custody of the Ohio Department of Youth Services and are residing in an institution. An alternative school must be approved by the local education agency.

Attending school: an individual who is enrolled and/or attending secondary or postsecondary school.

Basic skills deficient: a youth who has English reading, writing, or computing skills at or below the 8th grade on a generally accepted standardized test or who is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Charter school: public, nonprofit, nonsectarian, tuition-free schools operating independently of a school district, but under contract with a Sponsor that has been approved by the Ohio Department of Education.

Chronic truant: any child of compulsory school age who is absent without legitimate excuse from absence from the public school the child is suppose to attend for seven or more consecutive school days, ten or more school days in one month, or fifteen or more school days in a school year.

Covered individual: an eligible in-school youth, or an eligible out-of-school youth who is low income and meets one of the following criteria:

- Has a secondary school diploma or its recognized equivalent and is basic skills deficient or an English language learner; or
- Requires additional assistance to enter or complete an educational program or to secure or hold employment.

Disability: Any person who has a physical, sensory, or mental impairment, which substantially limits one or more major life activities per the American Disabilities Act of 1990 (42 U.S.C. 12102) and has record of such impairment or is regarded as having such impairment.

Enrollment: the collection of information to support eligibility determination and participation in any one of the 14 program elements.

Family: two or more persons related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

- Two spouses and dependent children.
- A parent or guardian and dependent children.
- Two spouses.

Habitual truant: any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is suppose to attend for five or more consecutive days, seven or more school days in one school month, or twelve or more school days in a school year.

Homeless children and youth (as defined by section 725 (2) of the McKinney-Vento Homeless Assistance Act):

An individual who lacks a fixed, regular, and adequate nighttime residence and includes the following:

- Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless for the purpose because the children are living in one of the previously mentioned circumstances.

Homeless individual: (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)):

An individual who lacks a fixed, regular, and adequate nighttime residence and includes:

- An individual who:
 - ✓ Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - ✓ Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
 - ✓ Is living in an emergency or transitional shelter;
 - ✓ Is abandoned in a hospital; or
 - ✓ Is awaiting foster care placement.

- An individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
- Migratory children who qualify as homeless because the children are living in circumstances listed above.

Income: includes all income earned, including unemployment compensation, child support.

Individual with a disability: an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

Low-income individual: An individual who –

- Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program (SNAP), temporary assistance for needy families (TANF), or the supplemental security income (SSI) or local income-based public assistance;
- Is in a family with total family income that does not exceed the higher of –
 - The poverty line; or
 - 70 percent of the lower living standard income level.
- Is a homeless individual;
- Receives or is eligible to receive a free or reduced-price lunch. This only applies to an individual student's eligibility to receive a free or reduced-price lunch. A student that attends a school where the entire school is eligible for free or reduced-price lunch does not make an individual eligible as low income.
- Is a foster child on behalf of whom the State or local government payments are made;
- Is an individual with a disability whose own income meets the eligibility income requirement of clause (b) but who is a member of a family whose income does not meet this requirement;
- Is a Foster Child on behalf of whom state or local government payments are made;
- The Youth is living in a high poverty area. See 20 CFR Sec. 681.260, and Attachment 2 to TEGL 21-16. A high poverty area is a Census tract, or a set of contiguous Census Tracts, tribal land, or county that has a poverty rate of at least 25% as set every 5 years using American Community Survey 5-Year data. See FactFinder.Census.Gov website to make the determination, and follow the instructions provided for within Attachment 2 to TEGL 21-16; or
- The lead agency/provider utilizes the 5% Exception to Low Income Requirement.

Participation: the point at which the individual has been determined eligible for youth program services, has received an assessment, and has received or is

receiving at least one program element and is the point at which the individual is to be included in calculations for performance measures.

Postsecondary school: any schooling that follows graduation from high school or completion of high school equivalency, including community colleges, four-year colleges and universities, and technical and trade schools.

Runaway: a young person who has run away from home.

Secondary school: a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education as determined under State law, except that the term does not include any education beyond grade 12.

School: any school operated by a board of education, any community school established under Chapter 3314 of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

School dropout: an individual who is no longer attending any school and has not received a secondary school diploma or its recognized equivalent.

I. Reporting.

As recipients of WIOA youth program funds, the Ohio Department of Job and Family Services (ODJFS), Office of Workforce Development and the local workforce development areas are required to maintain and report accurate program and financial information. Pursuant to rule 5101:9-30-04 of the Ohio Administrative Code, information regarding WIOA youth participants and their activities and performance must be entered into the Ohio Workforce Case Management System (OWCMS) accurately and timely. OWCMS may be used to assist in the determination of eligibility. However, OWCMS cannot be used as verification of youth eligibility. **Area Workforce WIOA Policy C-09** lists the type of acceptable documentation to verify eligibility for the WIOA youth program.

V. Monitoring.

The Area will conduct oversight and monitoring of the implementation of all WIOA work experience programming by all sub-grantees and/or contractors pursuant to Area Workforce Policy D-3. Any issues discovered will be handled through the area's monitoring resolution process.

VI. Technical Assistance.

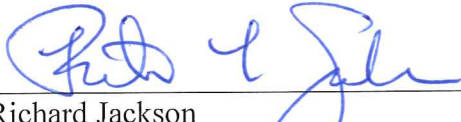
To get questions answered and technical assistance regarding this policy or issues regarding administration of WIOA, you are urged to contact the Executive Director of the Area Workforce at craigsernik@neohio.twcbc.com.

The question/issue will be researched, analyzed, and a formal written response will be provided. If a second opinion is required, the director is not available, or there is no clear answer to the question/issue, either the Executive Director or any OMJ Center or provider staff may seek additional guidance by submitting the same to the Office of Workforce Development: WIAQNA@jfs.ohio.gov; and by copying your request to the Executive Director of the NOC COG.

VII. References.

- Workforce Innovation and Opportunity Act, Pub. L. 113-128.
- 20 CFR 603 et seq.
- 29 U.S.C. 3101 et seq.
- Ohio Rev. Code 2925.01
- Ohio Rev. Code 3321.01
- ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 14-XX, Source Documentation for WIOA Eligibility, (date).
- ODJFS, Workforce Innovation and Opportunity Act Policy Letter No. 14-XX, Selective Service Registration, (date).

VIII. Signatures.


Richard Jackson
Area 19 WDB Chairperson

9/5/2018
Date


Casey R. Kozlowski
Ashtabula County Commissioner
Northeast Ohio Consortium Council of Governments,
Chief Elected Official

Date

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