



**POLICY
NUMBER
095**

Administrative Policy

Title:	Youth Program Eligibility		
Program:	Workforce Innovation and Opportunity Act		
Effective:	04/25/2017	Revised:	01/06/2022

I. PURPOSE AND SCOPE

The purpose of this policy is to provide the Workforce Innovation and Opportunity Act (WIOA) Youth program eligibility requirements to Local Workforce Development Boards (LWDBs) and Youth program service providers.

II. BACKGROUND

WIOA outlines a broad vision for youth that supports an integrated service delivery system and provides a framework through which states and local areas can leverage federal, state, and local resources to support eligible youth. WIOA also promotes career pathways, increased attainment of recognized credentials, and post-secondary certificates or degrees for eligible youth.

WIOA shifts the primary focus of Title I Youth formula programs to support the educational and career success of out-of-school youth. A minimum of 75 percent of WIOA Youth funds is required to be spent on out-of-school youth. This expenditure requirement applies to local workforce development area funds and funds reserved by the Governor.

III. AUTHORITY

[Public Law 113-128](#), Section (sec.) 129(a), *Workforce Innovation and Opportunity Act (WIOA)*

Code of Federal Regulations (CFR), [Title 20 \(CFR\) Part 681](#)

Training and Employment Guidance Letter ([TEGL 21-16](#), *Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance*, (March 2, 2017)

[TEGL No. 8-15](#), *Second Title I WIOA Youth Program Transition Guidance*, (November 17, 2015)

[TEGL No. 23-14](#), *WIOA Youth Program Transition*, (March 26, 2015)

[TEGL No. 02-14](#), *Eligibility of Deferred Action for Childhood Arrivals Participants for Workforce Investment Act and Wagner-Peyser Act Programs* (July 14, 2014)

[Sections 445.003](#), [445.004\(5\)\(a\)](#), and [445.004\(5\)\(b\)\(1\)](#), Florida Statutes (F.S.)

IV. POLICIES AND PROCEDURES

A. Eligibility

WIOA sec. 129(a)(1) establishes the eligibility criteria that an individual must meet to participate in the WIOA Youth program. LWDBs must ensure that every individual receiving services under the WIOA Youth program meets either the out-of-school youth or in-school youth eligibility criteria and are subsequently enrolled in the program. All youth must be a United States citizen or have the right to work in the United States, and males age 18 and older must comply with selective service registration requirements¹.

Separate eligibility criteria for out-of-school youth and in-school youth are outlined below.

1. Out-of-School Youth Eligibility Criteria

To meet out-of-school (OSY) eligibility criteria, an individual must:

- (a) Not be attending school;
- (b) Be between the ages of 16 to 24 at the time of enrollment²; and
- (c) Meet one or more of the following eligibility barriers:
 - (1) A school dropout.

¹ Males age 18 or older must be registered with the selective service to be eligible for WIOA Youth services. To maintain eligibility for WIOA services, a male participant who turns age 18 while participating in the program must register with the selective service.

² Per TEGL 8-15, because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program.

- (2) 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.
- (3) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either —
 - a) Basic skills deficient, or
 - b) An English language learner.
- (4) An offender.
- (5) A homeless individual or a runaway.
- (6) An individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.
- (7) An individual who is pregnant or parenting.
- (8) An individual with a disability.
- (9) A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

2. In-School Youth Eligibility Criteria

To meet in-school-youth (ISY) eligibility criteria, an individual must:

- (a) Be attending school, including secondary or postsecondary school;
- (b) Be not younger than age 14 and not older than age 21 (unless an individual with a disability who is attending school under state law)³ at the time of enrollment;
- (c) Be a low-income individual; and
- (d) Meet one or more of the following eligibility barriers:
 - (1) Basic skills deficient.
 - (2) An English language learner.
 - (3) An offender.
 - (4) A homeless individual or a runaway.
 - (5) An individual in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or in an out-of-home placement.
 - (6) An individual who is pregnant or parenting.
 - (7) An individual with a disability.

³ Per TEGL 21-16, there is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 public school system beyond the age of 21. In Florida, youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as ISY through the age of 21 (up to their 22nd birthday).

- (8) An individual who requires additional assistance to complete an educational program or to secure or hold employment.

3. Determining School Status

LWDBs must determine a youth's school status, including dropout status, at the time of program enrollment. Because the process of program enrollment can occur over a period of time, school status must be based on status at the time the eligibility determination portion of program enrollment is made. Once the school status of a youth is determined, that school status remains the same throughout the youth's participation in the WIOA Youth program. For example, if a youth is determined to be an OSY at time of enrollment and subsequently re-enters high school or enrolls in postsecondary education, that youth is still considered an OSY for purposes of the OSY expenditure requirement throughout their participation in the WIOA Youth program.

a. Additional School Status Criteria for Out-of-School Youth

Youth seeking program enrollment should be determined to be out-of-school if, at the time of enrollment, the youth:

- (1) Graduated high school and registered for postsecondary education (credit-bearing postsecondary classes), but ultimately did not start classes at the onset of the term for which he/she was registered;
- (2) Is enrolled in non-credit-bearing postsecondary classes;
- (3) Is enrolled in home education, but is not required to attend school regularly per school attendance requirements in sec. 1003.21, F.S.;
or,
- (4) Is enrolled in a pre-apprenticeship or apprenticeship program.

b. Additional School Status Criteria for In-School Youth

Youth seeking program enrollment should be determined to be in-school if, at the time of enrollment, the youth is:

- (1) In between school years, during the summer, and is enrolled to continue school in the fall;
- (2) Between high school graduation and postsecondary education (credit-bearing postsecondary classes) and has registered for postsecondary classes but not yet begun postsecondary classes;
- (3) Attending a high school equivalency program, including those considered to be dropout re-engagement programs, funded by the

public K-12 school system that are classified by the school as still enrolled in school⁴;

- (4) Homeschooled per home education requirements set forth by the Florida Department of Education⁵ and included per compulsory school attendance laws⁶;
- (5) Attending Florida Virtual Schools⁷; or
- (6) In a Florida Department of Juvenile Justice youth facility and does not have a high school diploma or its equivalency.⁷

4. Determining Low Income Status

All ISY and some OSY must be “low income” to qualify for WIOA services unless they qualify under the low-income exception as outlined in **Section IV.A.5. Low Income Eligibility Exception** of this policy. If the youth is an OSY, the low-income requirement applies only to the following categories of youth:

- (a) A recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English language learner; and,
- (b) An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

A low income is an individual who:

- (a) Receives, or has received in the past six months, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program, or the Supplemental Security Income program established under Title XVI of the Social Security Act, or state or local income-based public assistance.
- (b) Is in a family with total income that does not exceed the higher of –
 - i. The poverty line; or
 - ii. 70 percent of the lower living standard income level.
- (c) Is a homeless individual.
- (d) Receives or is eligible to receive free or reduced-price lunch⁸.
- (e) Is a foster child on behalf of whom state or local government payments are made.

⁴ For purposes of WIOA, YouthBuild programs, the Job Corps program, high school equivalency programs, and dropout re-engagement programs are not considered to be schools for the purpose of determining school status.

⁵ [Florida Department of Education Home Education Requirements](#)

⁶ [Compulsory school attendance – Chapter 1003.21 Florida Statutes](#)

⁷ State of Florida WIOA Four-Year Plan

⁸ Per TEGL 21-16, WIOA programs must base low-income status on an individual student’s eligibility to receive free or reduced-price lunch. Whole school receipt of free or reduced-price lunch cannot be used to determine WIOA low-income status for ISY.

- (f) Is an individual with a disability whose own income meets the low-income level for eligibility purposes but who is a member of a family whose income does not meet this requirement.

For both ISY and OSY, a youth qualifies as low income if the youth lives in a high-poverty area, as outlined in section **VI.A.4.c. High Poverty Area Designation** of this policy.

a. Lower Living Standard Income Level

Another option for determining low-income eligibility is based on family income. Income is determined by collecting information from the family for the complete six-month period prior to application. After verification of family size and collection of the total reported six-month income, this figure is then doubled (annualized) and compared to the Lower Living Standard Income Level (LLSIL). DEO publishes the LLSIL annually on the [DEO website](#).

b. Sources of Income

Reemployment Assistance benefits and child support payments must also be included as income when determining a youth's eligibility based on low-income status. OSY participants with a disability are not required to be low-income. For an ISY participant who has a disability, the youth's own income, rather than their family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the LLSIL. If a youth participant is not living in a single residence with other family members, that participant is not a member of a family⁹ for the purpose of WIOA income calculations.

c. High Poverty Area Designation

For both ISY and OSY, a youth qualifies as low income if they live in a high-poverty area. An area is designated as high poverty if it has a poverty rate of at least 25 percent as set every five years using American Community Survey five-year data. The Department of Economic Opportunity (DEO) developed a [Poverty Rate Map](#) as a tool to assist staff in determining if an area meets the high poverty area criteria. Each LWDB using the high poverty rate special rule to determine eligibility for WIOA Youth program services must still collect and

⁹ 20 CFR § 675.300 defines family as “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: (1) A married couple and dependent children; (2) A parent or guardian and dependent children; or (3) A married couple.”

record the appropriate documentation of a youth's income for federal data reporting purposes.

5. Low Income Eligibility Exception

WIOA allows a low-income exception where five percent of WIOA youth may be participants who ordinarily would be required to be low income for eligibility purposes and meet all other eligibility criteria for WIOA youth except the low-income criteria. LWDBs must calculate the five percent based on the percent of newly enrolled youth in the local area's WIOA Youth program in a given program year who would normally be required to meet the low-income criteria.

For example, a local area enrolled 200 youth and 100 of those youth 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 50 OSY required to be low income and the 50 ISY are the only youth factored into the five percent low-income exception calculation. Therefore, five of the 100 youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception.

Note: This percentage is calculated at the end of a program year based on new enrollments in that program year.

6. Eligibility Barriers

To be eligible for the WIOA Youth program, individuals must meet one or more conditions (eligibility barriers) listed in WIOA sec. 129(a)(1)(B)(iii) for OSY and (a)(1)(C)(iv) for ISY. While most eligibility barriers have specific definitions as contained in **Section V. Definitions** of this policy, certain barriers require additional clarity and/or context as outlined in the below subsections.

a. Dropout

If a youth has not received a high school diploma, or a recognized equivalent, and is not attending any school, they are considered a dropout and are an OSY. A dropout only includes an individual who is currently a secondary school dropout and does not include a youth who previously dropped out of secondary school but subsequently returned. An individual who has dropped out of postsecondary education is not a school dropout for purposes of Youth program eligibility.

b. Basic Skills Deficient

A youth is considered basic skills deficient if they:

- (1) Have English reading, writing, or computing skills at or below the eighth-grade level on a generally accepted standardized test; or,
- (2) Are 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.

Each LWDB must establish its policy regarding how the local area will determine when an individual meets this definition in its WIOA local plan and corresponding local operating procedures.

c. Pregnant or Parenting

An individual who is parenting can be a mother or father, custodial or non-custodial. As long as the youth is within the WIOA youth age eligibility, the age when the youth became a parent does not factor into the definition of parenting. A pregnant individual can only be an expectant mother.

d. Requires Additional Assistance to Complete an Educational Program or to Secure or Hold Employment

If a LWDB uses this criterion, it must establish definitions and eligibility documentation requirements for “requires additional assistance to complete an educational program or to obtain or retain employment.” The definition must be included in the LWDB’s WIOA local plan and applicable youth eligibility local operating procedures. Such procedures should be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified in the definition objectively requires additional assistance. However, as required by WIOA sec. 129(a)(3)(B), not more than five percent of the ISY newly enrolled in a given program year may be deemed eligible based on the “requires additional assistance to complete an educational program or to secure or hold employment” criteria.

Note: The local definition cannot simply list youth barriers already identified in WIOA and in **Section IV.1.A. Eligibility** of this policy. The local definition must describe the circumstances or other criteria the LWDB will use to qualify a youth under this eligibility barrier.

7. Nondiscrimination

WIOA sec. 188 prohibits the exclusion of an individual from participation in, denial of, or discrimination in the administration and activities funded in whole or in part under WIOA Title I on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief, as well as against beneficiaries on the basis of citizenship and participation in WIOA.

Deferred Action for Childhood Arrivals

WIOA sec. 188(a)(5) contains a specific nondiscrimination provision that provides that participation under WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees, and parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the United States.” This includes “Deferred Action for Childhood Arrivals” ([DACA](#)) participants with employment authorization. Participants identified as DACA participants must meet the WIOA eligibility requirements to access any WIOA services for which they would otherwise qualify. LWDB staff must obtain appropriate documentation of employment authorization. The documentation must include self-attestation, at a minimum. The DACA process is for individuals who came to the United States as children and:

- (a) Were under the age of 31 as of June 15, 2012.
- (b) Came to the United States before reaching their 16th birthday.
- (c) Have continuously resided in the United States since June 15, 2007, up to the present time.
- (d) Were physically present in the United States on June 15, 2012, and at the time of making their request for consideration of deferred action with United States Citizenship and Immigration Services (USCIS).
- (e) Entered without inspection before June 15, 2012, or their lawful immigration status expired as of June 15, 2012.
- (f) Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or other equivalent State-authorized exam in the United States, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States.
- (g) Have not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

The DACA process may result in a two-year period of “deferred action,” or relief from removal from the country or from entering into removal proceedings, subject to renewal, and issuance of employment authorization for the period of deferred action. Therefore, a DACA participant whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided he or she can demonstrate “an economic necessity for employment.”

8. Eligibility Documentation

Each LWDB is required to collect supporting eligibility documentation used to determine eligibility and retain such documentation in the participants’ electronic and/or hard-copy case files in accordance with local operating procedures. WIOA establishes specific participant eligibility, priorities, and requirements for participation to account for the proper use of Title I funds. LWDBs must establish a local process for collecting and maintaining eligibility verification documentation and ensure the documentation collected is made available for review by auditors and federal, state, and local representatives. Youth service providers must obtain and maintain documentation that supports the determination for eligibility and continuous participation.

B. Enrollment

1. Employ Florida Requirements

LWDB staff are encouraged to have all youth who are interested in receiving services complete an Employ Florida registration. Registration is the process of entering and submitting personal information in Employ Florida to create an account. There are two types of registration: partial registration and full registration. Please see [Administrative Policy 096 - Job Seeker Registration, Application and Services](#) for a full explanation of the registration process. Once an individual is determined to be eligible for the WIOA Youth program, staff are required to complete a WIOA Youth program application in Employ Florida.

2. Enrollment Process Requirements

There is no self-service concept for the WIOA Youth program; therefore, LWDBs must ensure that every individual receiving services under this program is determined eligible as an ISY or OSY and formally enrolled in the program as a participant. For an individual to participate in the WIOA Youth program, the LWDB must ensure all of the following occur in the below order:

- (a) An eligibility determination.
- (b) Provision of an objective assessment.

- (c) Development of an individual service strategy.
- (d) Participation in any of the 14 WIOA Youth program elements outlined in 20 CFR 681.460.

a. Objective Assessment

Prior to enrolling a participant into the WIOA Youth program, LWDBs are required to conduct an objective assessment of academic levels, skill levels, and service needs of the participant. This includes a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and development needs. The objective assessment is completed to identify appropriate services and career pathways for participants.

Assessing Basic Skills

In assessing basic skills, LWDBs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities. For purposes of the basic skills assessment portion of the objective assessment, LWDBs are not required to use assessments approved for use in the Department of Education's National Reporting System, nor are they required to determine an individual's grade level equivalent or educational functioning level, although use of these tools is permitted. LWDBs may use other formalized testing instruments designed to measure skills-related gains or less formal alternative assessment techniques such as observation, file reviews, or interviews. LWDBs may use previous basic skills assessment results, even if completed under another education or training program, if such previous assessments have been conducted within the past six months. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement.

Career-Readiness Assessments

LWDBs should engage all youth in career assessment activities that include, but are not limited to: assessments of prior work experience, employability, interests, and aptitudes. Multiple assessment tools may be necessary since there is no standard approach that will work for all youth. Career assessments help youth understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes, and skills) affect their potential success and satisfaction with different career options and work environments.

The outcomes of the assessments that comprise the objective assessment process must be recorded in Employ Florida using service code 412 (Objective Assessment - Youth) and include a case note that aligns with the requirements prescribed in the [Employ Florida Service Code Guide](#). This service code does not trigger participation due to the objective assessment being a required element of the enrollment process. Participation is triggered when the participant is enrolled in one of the 14 WIOA Youth program elements outlined in 20 CFR 681.460.

b. Individual Service Strategy

LWDBs are required to develop, and update as needed, an individual service strategy (ISS), based on the needs of each youth participant, that is directly linked to one or more indicators of performance described in WIOA sec. 116(b)(2)(A)(ii). The ISS must also identify career pathways that include education and employment goals, consider career planning, and the results of the objective assessment that prescribes achievement objectives and services for the participant. LWDBs may use previous service strategies developed for the participant, even if under another education or training program, if such ISS was conducted within the most recent six months.

The ISS service must be recorded in Employ Florida using service code 413 (Service Strategy (IEP/ISS/EDP) – Youth) and include the required documentation/case note that aligns with the requirements prescribed in the [Employ Florida Service Code Guide](#). This service code does not trigger participation due to the ISS being a required element of the enrollment process. Participation is triggered when the participant is enrolled in one of the 14 WIOA Youth program elements outlined in 20 CFR 681.460.

3. Enrollment in the Youth Program, the Adult Program, or Both

Individuals between the ages of 18 to 24, who meet the respective program eligibility requirements, may participate in either the WIOA Adult or Youth program, or participate in both concurrently. Such individuals must meet the Youth or Adult program eligibility criteria that are applicable to the services provided.

LWDBs must not enroll individuals between the ages of 18 to 24 in either the WIOA Youth or Adult programs solely based upon their age. Several factors such as their school status, occupational skills, prior work experience, adult schedules, family responsibilities, and the participant's needs should be considered. Additionally, some individuals may benefit from the youth services covered in the 14 WIOA Youth program elements based on characteristics such as maturity, drug and alcohol

abuse, homelessness, foster care status, family abuse/neglect, literacy challenges, pregnancy, and lack of employability skills. Assessment of an individuals' skills, career-readiness, literacy, and supportive service needs should be taken into consideration when determining the appropriate programs(s) for young adults.

For participants who are co-enrolled in both the Youth and Adult programs, LWDBs must determine the best mix of services under the Youth and Adult programs based on the needs of the participant. Additionally, LWDBs must clearly identify and track the funding streams, which pay the costs of services provided to individuals who are participating in Youth and Adult programs concurrently, in Employ Florida. The LWDB must ensure there is no duplication of services.

4. Serving Non-WIOA Youth

LWDBs must ensure career centers fund services for non-eligible youth through programs authorized to provide services to such youth. For example, LWDBs may provide basic labor exchange services under the Wagner-Peyser Act to any youth. LWDBs should refer individuals deemed ineligible for the WIOA Youth program to other workforce development programs based on their needs.

5. Local Operating Procedures

Local operating procedures (LOPs) help local areas further define and clarify how programs will be operated locally and are unique to each LWDB. Each LWDB must establish local requirements governing youth eligibility and enrollments. The LOPs must, at a minimum:

- (a) Identify the acceptable eligibility documents and the method of storage (electronic or hard-copy case files).
- (b) Outline the LWDB's policy regarding how the local area will determine when an individual is basic skills deficient.
- (c) Identify a referral process for non-WIOA eligible youth to receive services.

6. State and Local Monitoring

Services and activities provided under WIOA must be monitored by DEO no less than annually for compliance with WIOA requirements pursuant to WIOA sec. 185(c). DEO will monitor the requirements outlined in this policy and LOPs. Additionally, LWDBs must establish local monitoring policies and procedures that include, at a minimum:

- (a) Roles of the employer, participant, and LWDB staff.

- (b) Local monitoring procedures of youth eligibility and enrollment activities to ensure that all parties are, and remain in, compliance with federal and state laws, as well as state and local policies and procedures.

LWDBs must ensure youth service providers agree to cooperate with monitoring requirements conducted by the state and/or LWDB and adhere to all other applicable local, state, and federal rules and regulations.

V. DEFINITIONS

Age of Compulsory School Attendance – WIOA sec. 129(a)(5) and sec. 1003.21, F.S., states that all children who are either six years of age, will be six years old by February 1 of any school year, or are older than six years of age but who have not attained the age of 16 years, must attend school regularly during the entire school term. A student who attains the age of 16 years during the school year is not subject to compulsory attendance beyond the date the student attains that age if they file a formal declaration of intent to terminate school enrollment with the school district.

Documentation – Physical evidence that is obtained through the verification process, including written confirmation by an authorized agency or organization of one or more WIOA eligibility criteria, and which reflects the individual's status as of the date of registration for such eligibility criteria.

Dropout – An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Section 1003.01(9)(c), F.S., further defines a “dropout” as a student who has withdrawn from school but has not transferred to another public or private school or enrolled in any career, adult, home education, or alternative education.

English Language Learner – An individual who has limited ability in reading, writing, speaking, or comprehending the English language, and whose native language is a language other than English, or who lives in a family or community environment where a language other than English is the dominant language.

Foster Care – A temporary arrangement in which adults provide for the care of a child or children whose birthparent is unable to care for them.

Homeless – An individual who meets the criteria set forth in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), or a homeless child or youth (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2))). The criteria generally provides that individuals who qualify lack a fixed, regular, and adequate nighttime residence and includes an individual who:

- (a) Is sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
- (b) Is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;
- (c) Is living in an emergency or transitional shelter;
- (d) Is abandoned in a hospital;
- (e) Is living in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting;
- (f) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; or
- (g) Is a migratory child living in circumstances described in this definition.

Migratory Child – A child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, in order to obtain, or accompany such parent or spouse, in order to obtain, temporary or seasonal employment in agricultural or fishing work – has moved from one residence to another residence and from one school district to another due to economic necessity.¹⁰

Offender – An adult or juvenile who:

- (a) Is or has been subject to any stage of the criminal justice process, and for whom services under WIOA may be beneficial; or,
- (b) Requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Participant – For the WIOA Title I Youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy, and received one of the 14 WIOA Youth program elements identified in WIOA sec. 129(c)(2).

Reportable Individual – An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including: (1) Individuals who provide identifying information; (2) Individuals who only use the self-service system; or (3) Individuals who only receive information-only services or activities.

Significant Misdemeanor – A misdemeanor as defined by federal law (specifically, one for which the maximum term of imprisonment authorized is one year or less but greater than five days) and that meets the following criteria:

¹⁰ 20 United States Code 6399

- (a) Regardless of the sentence imposed, is an offense of domestic violence; sexual abuse or exploitation; burglary; unlawful possession or use of a firearm; drug distribution or trafficking; or, driving under the influence; or,
- (b) If not an offense listed above, is one for which the individual was sentenced to time in custody of more than 90 days. The sentence must involve time to be served in custody, and therefore does not include a suspended sentence.
- (c) The time in custody does not include any time served beyond the sentence for the criminal offense based on a state or local law enforcement agency honoring a detainer issued by United States Immigration and Customs Enforcement. Notwithstanding the above, the decision whether to defer action in a particular case is an individualized, discretionary one that is made taking into account the totality of the circumstances. Therefore, the absence of the criminal history outlined above, or its presence, is not necessarily determinative, but is a factor to be considered in the unreviewable exercise of discretion. Department of Homeland Security retains the discretion to determine that an individual does not warrant deferred action on the basis of a single criminal offense for which the individual was sentenced to time in custody of 90 days or less.

Verification – To confirm an eligibility requirement through examination of official documents.

VI. REVISION HISTORY

Date	Description
01/06/2022	Revised and issued by the Florida Department of Economic Opportunity.
04/25/2017	Issued by the Florida Department of Economic Opportunity.

VII. RESOURCES

[United States Citizenship and Immigration Employer Handbook](#)

[Lower Living Standard Income Level](#)

[Florida High Poverty Rate Map](#)

[Source Documentation for Core/Non-Core Programs](#)