



**OKLAHOMA**  
Employment Security Commission

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TO: Green Country Local Workforce Development Board  
SUBJECT: Technical Assistance on Categorization of Adult Basic Education Students for WIOA Youth Program Eligibility  
DATE: 9/11/2024  
NUMBER: Workforce System Operations Memo #112 GC

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Green Country Workforce Development Board  
822 S. Muskogee Ave.  
Tahlequah, OK 74464

We are writing to provide clarification regarding the classification of students attending Adult Basic Education (ABE) programs at K-12 institutions, specifically related to their eligibility for Workforce Innovation and Opportunity Act (WIOA) youth services.

**Regulations and State Law Interpretation:**

**20 CFR § 681.230: What does "school" refer to in the out-of-school and in-school eligibility criteria?**

In general, state law defines "school" for secondary and postsecondary institutions. However, under WIOA, the Department of Labor does not consider adult education providers under Title II of WIOA, YouthBuild programs, Job Corps programs, high school equivalency programs, or dropout re-engagement programs to be "schools." As a result, youth attending these programs are generally classified as Out-of-School Youth (OSY) for WIOA eligibility purposes, regardless of the funding source. However, students enrolled in high school equivalency programs funded by the public K-12 system who are still classified as enrolled in school are considered In-School Youth (ISY).

The key factors in determining whether a youth is classified as ISY is that the adult education program must be both funded by K-12 and the student must be enrolled in a K-12 program. In Oklahoma those programs are funded by Title II (see below).

**State Law Interpretation – Oklahoma Code, Title 70-3-110.1:**

## INTRA-AGENCY MEMORANDUM

Oklahoma law emphasizes that funds allocated for adult education are provided to school districts offering courses that lead to high school equivalency diplomas with Title II Career Tech funds.

These adult education programs are not considered part of the traditional K-12 system. In Oklahoma, participation in Adult Education programs requires that students not be enrolled in the K-12 system. Therefore, regardless of where the class is held (e.g., high school, Career Tech, YMCA), these students should be classified as OSY.

While we understand that the Green Country Local Workforce Development Board has expressed concerns that these students should be considered ISY due to the location of the program, the determining factor is their enrollment status in traditional K-12 education, not the venue where the ABE instruction is delivered.

**Recommendation:**

Based on the WIOA and federal regulations, state statutes and policies, local policies and clarifications outlined above, OESC recommends fostering a partnership with ABE programs in the local area to increase enrollments in the WIOA Youth program and properly classifying those participants as OSY.

Sincerely,

DeAnna Smith  
Vice President of Workforce Services