



**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
POLICY NOTICE NO. 21 Rev. 2**

EFFECTIVE DATE: March 31, 2026

SUBJECT: REQUIRES ADDITIONAL ASSISTANCE

I. PURPOSE

The purpose of this policy is to establish clear, equitable, and compliant parameters for determining when a youth participant meets the “requires additional assistance to complete an educational program or to secure or hold employment” barrier, as authorized under the Workforce Innovation and Opportunity Act (WIOA).

II. AUTHORITY

This policy is issued pursuant to the following statutory and regulatory authority:

- Workforce Innovation and Opportunity Act (WIOA) §§ 129(a)(1)(B) and 129(a)(1)(C)
- 20 CFR §§ 681.300 and 681.310
- 29 CFR Part 38 (Equal Opportunity and Nondiscrimination)
- Applicable guidance issued by the U.S. Department of Labor
- Applicable guidance and administrative directives issued by the New Mexico Department of Workforce Solutions (NMDWS)

III. BACKGROUND

WIOA permits local workforce development boards to define, within reasonable and documented parameters, what constitutes “requires additional assistance” for In-School Youth (ISY) and Out-of-School Youth (OSY). This barrier is intentionally broad to allow local areas to respond to community conditions and individual circumstances.

For ISY, no more than five percent (5%) of newly enrolled youth in a program year may be determined eligible solely under this barrier, in accordance with 20 CFR § 681.310(b). There is no percentage limitation for OSY.

IV. DEFINITION – REQUIRES ADDITIONAL ASSISTANCE

An individual requires additional assistance when, based on an individualized assessment, the youth face circumstances that significantly impede progress toward completion of an educational program or the ability to secure or retain employment, and such circumstances are not otherwise captured under another WIOA youth barrier.



This determination must be based on functional impact, not diagnosis or personal history, and must be applied consistently and equitably.

V. EXAMPLES OF CIRCUMSTANCES THAT MAY CONSTITUTE ADDITIONAL ASSISTANCE

The following examples are illustrative, not exhaustive, and may be used to support a determination that a youth requires additional assistance:

- Low grade point average, credit deficiency, or academic performance below grade level
- Risk of school dropout or chronic absenteeism
- Lack of prior work experience or limited exposure to the labor market
- Recent termination from employment or repeated job loss
- Residence in a high-poverty or high-unemployment area
- Limited access to transportation or other supports necessary for school or work participation
- A youth identified as academically advanced or “gifted” who nonetheless requires additional assistance to complete education or secure or retain employment due to social, economic, or transitional barriers
- Self-Attestation: In instances where third-party documentation is unavailable or cannot be reasonably obtained, a signed and dated self-attestation from the participant may be accepted to document “Requires Additional Assistance” status. Case notes must clearly justify the use of self-attestation and explain why other forms of verification were not accessible. Self-attestation shall not be used when other documentation is readily available and must comply with federal, state, and local documentation standards.

No single factor is determinative. The totality of circumstances must be considered.

VI. DOCUMENTATION REQUIREMENTS

Documentation supporting a determination of “requires additional assistance” must:

1. Be sufficient to demonstrate the need for additional assistance.
2. Avoid unnecessary collection of sensitive personal or family information; and
3. Be maintained in accordance with the NALWDB Electronic File Policy.

Acceptable documentation may include, but is not limited to:

- Case notes documenting the individualized assessment and observed barriers
- School records (e.g., report cards, transcripts, attendance records)
- Employment history or lack thereof



- Statements from education or workforce professionals describing the functional impact on education or employment.

Detailed descriptions of abuse, medical conditions, criminal history, or other sensitive personal matters are not required unless otherwise necessary and appropriate.

VII. TRACKING AND LIMITATIONS

For In-School Youth, the use of this barrier shall be tracked to ensure compliance with the 5 percent limitation on newly enrolled ISY participants, consistent with 20 CFR § 681.310(b). Tracking shall be conducted through board-designated reporting and monitoring processes.

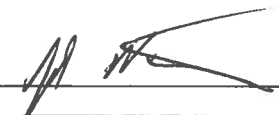
VIII. EQUAL OPPORTUNITY AND NONDISCRIMINATION

All determinations under this policy shall be made in compliance with WIOA Section 188 and 29 CFR Part 38. Eligibility determinations must be applied consistently and without discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, or participation in a WIOA Title I financially assisted program.

IX. EFFECTIVE DATE AND REVIEW

This policy supersedes all prior versions of Policy No. 21 and is effective upon approval. The policy shall be reviewed at least annually and updated as necessary to ensure continued compliance with applicable federal and state statutes, regulations, guidance, and local workforce system requirements.

INQUIRIES; Contact WIOA Program Manager at (505) 986-0363.



NALWDB CHAIR

3-31-24

DATE