



**To:** The Workforce System  
**From:** The Department of Workforce Development  
**Date:** September 8, 2017  
**Subject:** DWD Policy #2017-03  
Youth Eligibility

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## Purpose

This policy addresses eligibility requirements for the Workforce Innovation and Opportunity Act (WIOA) Title I youth program.

## Rescissions

- Interim Guidance on Youth Eligibility and Data Validation-Version 2

## References

- Workforce Innovation and Opportunity Act, Sections 3(27), 3(46), 129 (a)
- WIOA Regulations, Sections 681.200 through 681.320.

## Content

Youth eligibility factors changed significantly under the Workforce Innovation and Opportunity Act (WIOA). This guidance is to be used as a standard for the required eligibility qualifiers for the WIOA Title I Youth program.

U.S. citizenship and/or eligibility-to-work in the U.S. are not program eligibility requirements for WIOA Title I. While citizenship does not need to be validated, Indiana has determined that an individual's eligibility-to-work in the United States (regardless of citizenship) must be validated for all WIOA Title I youth prior to the receipt of work experience and/or occupational skills training services.

See Attachment A for guidelines on validating eligibility to work in the United States.

The Department of Workforce Development (DWD) has identified acceptable forms of source documentation for the statutory eligibility requirements for youth. See Attachment B for eligibility requirements for in and out of school youth, and Attachment C for Eligibility Source Documentation.

DWD has outlined includable and excludable income for determining eligibility. These may be found in Attachment D.

DWD will follow the United States Department of Labor (USDOL) guidance on which customer data elements are validated and the source documentation required to validate those data elements.

## **Effective Date**

September 8, 2017

## **Ending Date**

Upon rescission

## **Contact for Questions**

[policy@dwd.in.gov](mailto:policy@dwd.in.gov)

## **Action**

Workforce Development Boards and WorkOne Operators are to provide guidance to their service providers to ensure the validity of participant eligibility and avoid disallowed costs.

## **Attachments**

- **Attachment A**- Guidelines for Validating Eligibility to Work in the United States
- **Attachment B**- Eligibility Criteria Workforce Innovation and Opportunity Act (WIOA) Youth
- **Attachment C**- Eligibility Source Documentation
- **Attachment D**- Includable and Excludable Income for Determining Eligibility

## Attachment A

### Eligibility to Work in the United States

#### Guidance on Validating Eligibility-to-Work:

- The customer “self-declares” when he/she enters data into the labor exchange system or when staff enters data into State’s participant reporting system. **Self-attestation** is an acceptable source of documentation, and no further validation is required for WIOA Title I youth who do **NOT** receive work experience or occupational skills training.
- Eligibility to work in the United States does not need to be validated for WIOA Title I Youth who receives a work experience or occupational skills training service. However, Indiana has determined that an individual’s eligibility-to-work in the United States (regardless of citizenship) must be validated for all WIOA Title I youth prior to the receipt of work experience and/or occupational skills training services.

See Federal Form I-9 for a list of acceptable documents for employment eligibility. A copy must be maintained or scanned into State’s participant reporting system. <http://www.uscis.gov/i-9>

## Attachment B

### Eligibility Criteria Workforce Innovation and Opportunity Act (WIOA) Youth Grant

All participants must meet the following criteria:

**I. Age Requirement:**

Workforce Innovation and Opportunity Act participants must be between the ages of 14 and 24.

**II. Specific Criteria:**

**In-school youth:** is an individual attending school (as defined by state law) who is not younger than age 14 or older than age 21 at time of enrollment (because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program), low-income, and one or more of the following:

- Basic skills deficient;
- An English language learner;
- An offender;
- A homeless individual aged 14 to 21 who meets the criteria defined in sec. 41403(6) of Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth aged 14 to 21 who meets the criteria defined in sec. 725((2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), or a runaway;
- An individual in foster care or who 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 sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- An individual who is pregnant or parenting;
- An individual with a disability; or
- An individual who requires additional assistance to complete an educational program or to secure or hold employment (must be locally defined).

**Out-of-school youth:** is an individual not attending any school (as defined by state law), age 16 through 24 at the time of enrollment (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), and one or more of the following:

- 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.

School year calendar quarter is based on how a local school district defines its school year quarters. In cases where schools do not use quarters, local programs must use calendar year quarters;

- A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner;
- An offender;
- A homeless individual aged 16 to 24 who meets the criteria defined in sec. 41403(6) of Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725((2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway;
- An individual in foster care or who has aged out of the foster care system or who has attained 16 years of age and left foster care for the kinship guardianship or adoption, a child eligible for assistance under sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
- An individual who is pregnant or parenting;
- 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 (must be locally defined).

### **Definitions**

#### **1. Use of Funding Requirements for Out-of-School Youth:**

WIOA requires that Workforce Development Area (WDAs) use at least 75 percent of their formula youth allocation to provide services to out-of-school youth.

#### **2. High Poverty Area Criteria:**

A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, Oklahoma Tribal Statistical Area (as defined by the U.S. Census Bureau), Alaska Native Village Statistical Area or Alaska Native Regional Corporation Area, Native Hawaiian Homeland Area, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-year data.

#### **3. Residency:**

Eligible individuals residing in the WDA may be served, with considerations that the Local WIOA Plan provides for limited exceptions including providing services to youth outside the WDA and homeless individuals who cannot prove residence within the WDA. IC 20-26-11-1 governs the definition of residence and IC 20-26-11-2 governs legal settlement. Generally, a residence does not include a youth attending school in a different county than he/she lives, please refer to the

Indiana Code for specific details. Preference should be given to Indiana residents followed by individuals who reside along regional boundaries including neighboring states.

**4. Family of One:**

An individual with a disability may be considered a family of one for the purpose of income eligibility determination under WIOA regardless of guardianship or other family members' income.

**5. Five Percent Exception for Non-Income Eligible ISY and OSY:**

The 5% exception for non-income eligible individuals applies to in-school youth and out-of-school youth. This would reflect the two low-income eligibility categories for OSY and ALL eligibility categories for ISY. A program 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 ordinarily be required to meet the low-income criteria.

For example, if 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 5 percent low-income exception calculation.

Therefore, in this example, 5 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. This percent is calculated at the end of a program year based on new enrollees in that program year.

**Listed below are the criteria that have a low-income eligibility requirement (ALL ISY and two categories for OSY) in which the five percent (5%) exception applies:**

In-School Youth	Out-of-School Youth
Basic skills deficient	A recipient of a secondary school diploma or its recognized equivalent who is either basic skills deficient or an English Language Learner
An English language learner	An individual who requires additional assistance to enter or complete an educational program or to secure or hold employment
An offender	
A homeless individual, or a runaway	
An individual in foster care or who has attained 16 years of age and left foster care for kinship, guardianship or adoption, a child eligible for assistance, or in and out-of-home placement	
Pregnant or parenting	
An individual with a disability or	
An individual who requires additional assistance to education or employment	

**Figure. 1****6. An Individual Who is 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 of eligibility, the age when the youth became a parent does not factor in to the determination of parenting. A pregnant individual can only be the expectant mother.

**7. Additional Assistance Barrier:**

Local Workforce Development Boards must define in their Local Youth Plan and policy their definition of “an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment” for OSY. The definition is slightly different for ISY; Local Workforce Development Boards must define in their Local Youth Plan and policy their definition of “an individual who requires additional assistance to complete an educational program or to secure or hold employment.”

These definitions must be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified objectively requires additional assistance. Examples may include: migrant youth, having an incarcerated parent, behavior problems at school, family literacy problems, domestic violence, substance abuse, chronic health conditions, and one or more grade levels below appropriate age or refugee.

**8. Five- Percent Limitation for Eligible ISY:**

In each local area, not more than five percent of the ISY newly enrolled in a given program year may be eligible based on the “requires additional assistance to complete an educational program or secure or hold employment” criterion.

**9. Determination of School Status:**

Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment. 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 purposes of reporting, if a youth is determined to be OSY at time of enrollment and subsequently re-enters high school or enrolls in post-secondary education, that youth is still considered an OSY due to their status at the time of enrollment.

**10. Indiana’s Diplomas:**

The Indiana State Board of Education adopts course and credit requirements for earning a high school diploma. Under current requirements, students have the option of earning four diploma types:

- General;
- Core 40;
- Core with Academic Honors (AHD); or

- Core 40 with Technical Honors (THD).

A Certificate of Completion, which deals with special education programs is **not** a diploma because Indiana does not permit students with disabilities to receive a diploma that is different than students without a disability. It is DWD's opinion that a General Diploma is considered a diploma for the purposes of eligibility determination for OSY.

#### **11. School Dropout:**

WIOA defers the definition of "school dropout" to state law. A youth's eligibility status is determined at the time of enrollment; therefore, if a youth has not received a high school diploma, or a recognized equivalent, AND is not attending any school, he/she is considered a dropout and is 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 re-enrolled. An individual who has dropped out of post-secondary education is not a "school dropout" for purposes of youth program eligibility.

#### **12. Compulsory School Attendance/Not Attending Any School:**

Under the WIOA Youth eligibility requirements, the term "school" refers to both secondary and postsecondary school (credit-bearing courses only). Therefore, an individual attending either secondary or post-secondary is considered ISY.

The Workforce Investment and Opportunity Act added an additional provision for determining eligibility for an out-of-school youth (aged 16-24). This criterion is listed as "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. School year calendar quarter is based on how a local school district defines its school year quarters." Indiana's definition of Compulsory School Age per Indiana Code 20-33-2-6, includes all youth who, beginning of the fall school term for the school year in which the student becomes seven (7) years of age, until the date on which the student:

- (1) Graduates;
- (2) Becomes eighteen (18) years of age; or
- (3) Becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 concerning an exit interview are met enabling the student to withdraw from school before graduation.

Indiana has also defined its School Year as "for each school year, a school corporation shall conduct at least one hundred eighty (180) student instructional days," per Indiana Code, 20-30-2-3. While there may be extenuating circumstances that a school district may request a waiver of these 180 days, which could include weather related cancellations; the Indiana Department of Workforce Development would consider 180 student instructional days as the "school year."



For the purposes of out-of-school youth eligibility calculations, a “school calendar quarter” would be defined as 45 student instructional days. Weekends, holidays or cancelled days in which school was closed would not count towards the 45 student instructional days. Some school corporations may define these 45 days as a “semester,” but calculations for accuracy of total instructional days should still be verified by the case manager at the time of application and enrollment.

### **13. Homeschooling:**

Home education in Indiana is classified as a non-accredited, non-public school. It is parent-directed, home-based, privately-funded education. IC 20-33-2-28, requires parents provide an equivalent education taught in the English language. Attendance records must be kept that are available upon request to the state or local school superintendent. Upon a specific and individual request by the state superintendent of public instruction, homeschools must furnish the number of children, by grade level, that are taught at home. Education is to be provided the same number of days that the local public school is in session, which is generally 180 days. Most homeschool students will be able to provide transcripts and/or a homeschool diploma to verify their completion of high school.

Students who are in a verified home education program, as outlined above would be considered ISY. Those who cannot provide verified home education transcripts and/or homeschool diplomas are considered for OSY eligibility.

### **14. Youth in between School Years:**

If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and post-secondary education, the youth is considered an ISY if they are registered for post-secondary education, even if they have not yet begun post-secondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for post-secondary education, but does not ultimately follow through with attending post-secondary education, then such a youth could be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend post-secondary education.

For the purposes of defining registered, a youth does not have to attend the first day of class, being accepted to post-secondary education and scheduling courses will suffice.

### **15. Credit-bearing Post-secondary Education Classes:**

If the youth participant is registered in any credit-bearing post-secondary education classes then they are considered attending post-secondary education, and, therefore, an ISY. If the youth is only enrolled in non-credit bearing post-secondary classes, they would not be considered attending post-secondary school and, therefore, could be OSY eligible.

**16. Individuals 22 and older attending post-secondary education:**

Local programs should keep in mind that ISY, including those attending post-secondary education, must be between the ages of 14 through 21. A youth attending post-secondary education who is 22 at time of eligibility determination would not be eligible for the WIOA youth program because they are in school and over the age of 21. That individual could be served through the WIOA Adult program.

**17. Exception for youth with disabilities:**

There is one exception to age eligibility for youth attending school. Youth with disabilities who have an Individualized Education Plan (IEP) may be enrolled as ISY after the age of 21, per Ind. Code 20-35-1-8. The maximum age for attending school is less than twenty-two years of age.

The definition of disability that applies to services provided under the WIOA, is section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102): an individual with a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or regarded as having an impairment.

**18. High school equivalency programs and dropout re-engagement programs:**

For the purposes of WIOA, Indiana does not consider providers of adult education under Title II of WIOA, YouthBuild programs, the Job Corps program, high school equivalency (HSE) programs, or dropout re-engagement programs to be schools. WIOA youth programs may consider a youth to be an OSY for purposes of WIOA youth program eligibility if he or she attended adult education provided under Title II of WIOA, YouthBuild, Job Corps, high school equivalency programs or dropout re-engagement programs regardless of the funding source. Per Indiana Code 20 C.F.R. 681.230, Adult High Schools, for Adult Learners fall into the “dropout re-engagement” category, when considering the clientele served.

A HSE program offers preparation for, and the taking of, tests which lead to a HSE credential. A dropout re-engagement program conducts active outreach to encourage out-of-school youth to return to school and assists such youth in resuming their education and/or training to become career ready. A dropout re-engagement program or center may provide case management and other services to support youth in overcoming barriers that prevent them from returning to school or work. In Indiana, DWD has determined that individuals attending dropout re-engagement centers, such as the Excel Center, may be considered OSY eligible.

**19. Basic Skills Deficient:**

The term “basic skills deficient” means, with respect to an individual:

- Have English reading, writing, or computing skills at or below the 8.9 grade level on a generally accepted standardized test; or

- 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. This is defined as:
  - Lacks a high school diploma or equivalency and is not enrolled in secondary education; **or**
  - Scores 8.9 or below on the TABE; **or**
  - Is enrolled in Title II adult education (including enrolled for ESL); **or**
  - Has poor English language skills ( and would be appropriate for ESL even if the individual isn’t enrolled at the time of WIOA entry into participation); **or**
  - Is WorkINdiana eligible (Title II participants are eligible for WorkINdiana up to a year after exit); **or**
  - The case manager makes detailed observations of deficient functioning and records those detailed observations as justification in a case note; **or**

*For in-school only:*

- Behind in credits to graduate on time with peer cohort; **or**
- GPA 2.0 or below; **or**
- Have taken and did not pass the End of Course Assessment (ECA).

#### **20. Selective Service Act:**

Registration is required of all males who reach 18 years of age on or after 1960. An individual who meets this description must demonstrate proof of registration prior to enrollment. If the individual has not registered, he/she must demonstrate they were exempt from doing so or that he/she did not knowingly or willfully fail to register.

#### **21. Citizenship:**

U.S. citizenship and/or eligibility-to-work in the U.S. are not program eligibility requirements for WIOA Title I. While citizenship does not need to be validated, Indiana has determined that an individual’s eligibility-to-work in the United States (regardless of citizenship) must be validated for all WIOA Title I youth prior to the receipt of work experience and/or occupational skills training services.

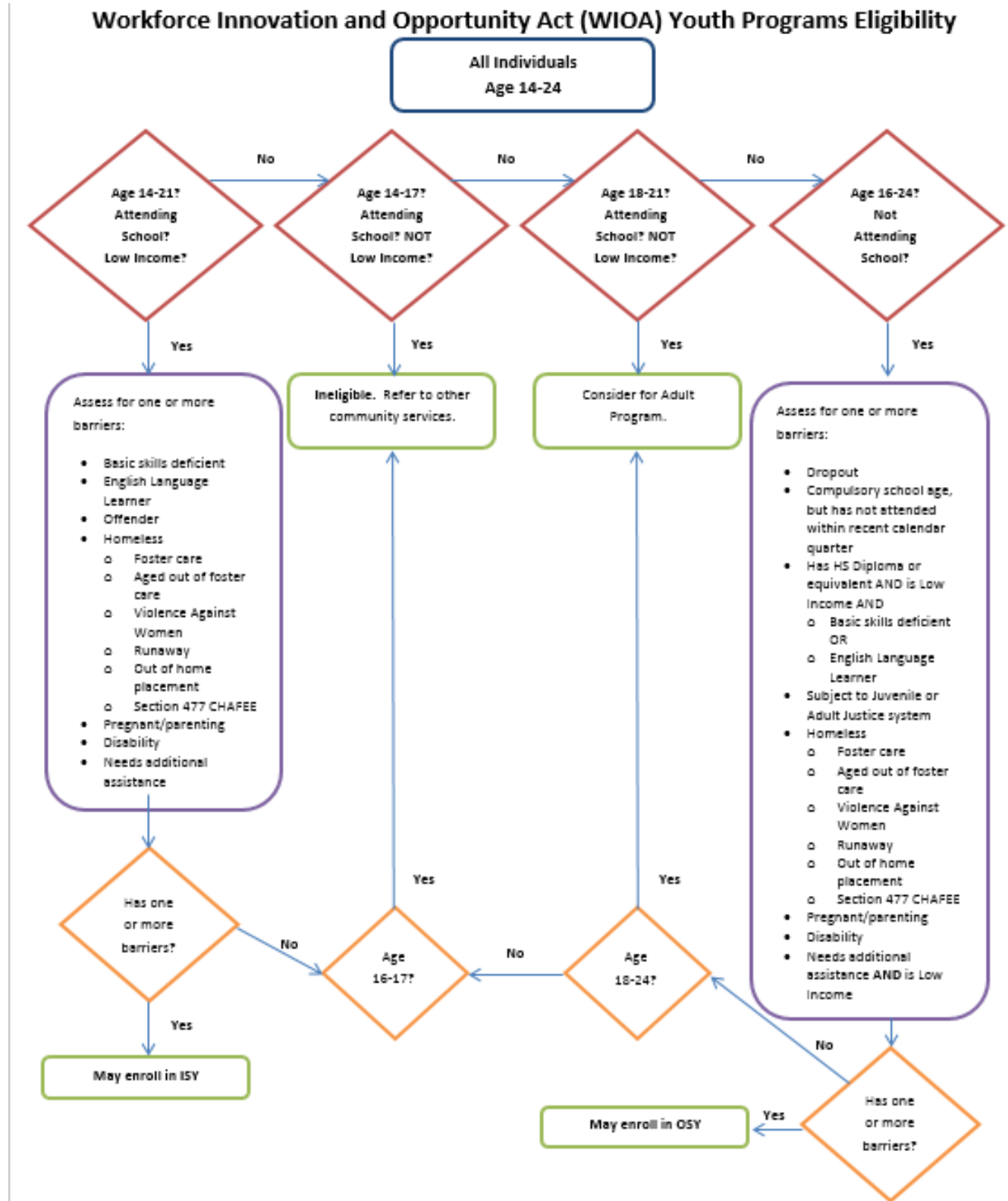
#### **22. Veteran Preference:**

Veterans gain preference for all WIOA services.

<b>WIOA Youth Requirements</b>	
<b>In-School</b>	<b>Out-of-School</b>
<p>(Must meet all three criteria):</p> <ul style="list-style-type: none"> <li>• Age 14 through 21; <b>and</b></li> <li>• Attending school; <b>and</b></li> <li>• Low income</li> </ul> <p style="text-align: center;"><b>AND</b></p>	<p>(Must meet both criteria):</p> <ul style="list-style-type: none"> <li>• Age 16 through 24; <b>and</b></li> <li>• Not attending any school</li> </ul> <p style="text-align: center;"><b>AND</b></p>
One or more of the following:	One or more of the following:
<ul style="list-style-type: none"> <li>• Basic skills deficient; Below 2.0 GPA, behind on credits, did not pass State required exam <b>OR</b></li> </ul>	<ul style="list-style-type: none"> <li>• Dropout; <b>OR</b></li> </ul>
<ul style="list-style-type: none"> <li>• English Language Learner; <b>OR</b></li> </ul>	<ul style="list-style-type: none"> <li>• Is within compulsory school age(16-17) but has not attended school in most recent complete school year calendar quarter <b>OR</b></li> </ul>
<ul style="list-style-type: none"> <li>• Offender; <b>OR</b></li> </ul>	<ul style="list-style-type: none"> <li>• Have secondary school diploma or equivalent who is low-income <b>AND</b> is: <ul style="list-style-type: none"> <li>○ basic skills deficient; <b>OR</b></li> <li>○ an English Language Learner <b>OR</b></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Homeless (multiple categories) <ul style="list-style-type: none"> <li>○ In foster care,</li> <li>○ Aged out of the foster care system,</li> <li>○ Violence Against Women Act of 1994,</li> <li>○ McKinney-Vento Homeless Assistance Act,</li> <li>○ Runaway youth,</li> <li>○ Out-of-Home placement,</li> <li>○ Chafee Foster Care Independence Program (Section 477 of the Social Security Act); <b>OR</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Subject to juvenile or adult justice system; <b>OR</b></li> </ul>
<ul style="list-style-type: none"> <li>• Pregnant or Parenting; <b>OR</b></li> </ul>	<ul style="list-style-type: none"> <li>• Homeless (multiple categories): <ul style="list-style-type: none"> <li>○ In foster care,</li> <li>○ Aged out of the foster care system,</li> <li>○ Violence Against Women Act of 1994,</li> <li>○ McKinney-Vento Homeless Assistance Act,</li> <li>○ Runaway youth,</li> <li>○ Out-of-Home placement,</li> <li>○ Chafee Foster Care Independence Program (Section 477 of the Social Security Act) <b>OR</b></li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Youth who is an individual who has a disability; <b>OR</b></li> </ul>	<ul style="list-style-type: none"> <li>• Pregnant or Parenting; <b>OR</b></li> </ul>
<ul style="list-style-type: none"> <li>• An individual who requires additional assistance to complete an educational program or to secure or hold employment (must be locally defined)</li> </ul>	<ul style="list-style-type: none"> <li>• Youth who is an individual who has a disability; <b>OR</b></li> </ul>
	<ul style="list-style-type: none"> <li>• A low income individual who requires additional assistance to complete an educational program or to secure or hold employment</li> </ul>

Figure. 2

The logic chart, **Figure 3**, below, is a helpful tool for determining whether a youth is appropriate for the in-school or out-of-school youth program.



## Attachment C

### Eligibility Source Documentation

Eligibility Item	Eligibility Definition	Source Documentation - Eligibility
<b>Age</b>	Must be “not less than age 14” and “not more than age 24” <u>at the time of first youth service</u>	<p>Youth who receive any WIOA Youth programs must have paper or scanned documentation. The birth date must match on one of the following documents:</p> <ul style="list-style-type: none"> <li>• Copy of ID (driver’s license, school ID)</li> <li>• School records</li> <li>• Baptismal Record</li> <li>• Birth Certificate</li> <li>• Federal, State or Local government Identification Card</li> <li>• Hospital Record of Birth</li> <li>• Passport</li> <li>• Public Assistance/Social Service Records</li> <li>• Tribal Records</li> <li>• Cross match with Department of Vital Statistics</li> <li>• DD-214 Report of Transfer of Discharge Paper</li> <li>• Work Permit</li> </ul> <p>A hard copy or scanned-in copy of the documentation is required.</p>
<b>Attending School</b>	In-school youth must <b>be</b> attending school.	<ul style="list-style-type: none"> <li>• School ID card</li> <li>• Letter from school</li> <li>• Self-attestation (signed and dated) indicating the school status at the time of participation</li> <li>• School transcript or class schedule</li> </ul>
<b>Not Attending School</b>	Out of school youth must <b>not be</b> attending any credit-bearing school/courses.	<ul style="list-style-type: none"> <li>• Self-Attestation (signed and dated) indicating the school status at the time of participation</li> <li>• School documentation</li> <li>• Drop out letter</li> <li>• School exit form</li> <li>• School transcript</li> </ul>

Eligibility Item	Eligibility Definition	Source Documentation - Eligibility
<p><b>Low-income</b></p>	<p>The individual is a person who:</p> <ul style="list-style-type: none"> <li>• Receives, or in the past six months has received, or is a member of a family that receives, or in the past six months has received, assistance through SNAP, TANF, SSI under Title XVI of the Social Security Act, or another federal, state or local income-based public assistance program. Other income-based public assistance program includes: <ul style="list-style-type: none"> <li>○ Refugee Cash Assistance (RCA)</li> <li>○ General Assistance (GA) (state/local government). In the United States, General Assistance encompasses a varying set of assistance programs that share two defining characteristics: 1) They are funded and administered by the state, county and/or locality in which the particular program operates; and 2) They provide benefits to low-income persons who are not eligible for federal assistance. Across states, assistance is usually cash benefits and also includes state-funded medical assistance.</li> </ul> </li> <li>• Is a member of a family that received a total family income, for the six-month period prior to program participation (exclusive of unemployment compensation, child support payments, payments described in the above bullet and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, in relation to family size does not exceed the higher of: <ul style="list-style-type: none"> <li>○ The poverty line, for an equivalent period; <b>or</b></li> <li>○ 70 percent of the lower living standard income level, for an equivalent period; <b>or</b></li> </ul> </li> <li>• Is a homeless individual, as defined in section 41403(6) of the Violence Against Women Act of 1994, or a homeless child or youth as defined under section 725(2) of the McKinney-Vento Homeless Assistance Act ; <b>or</b></li> <li>• Receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act; <b>OR</b></li> <li>• Is a foster child on behalf of whom state or local government payments are made; <b>OR</b></li> </ul>	<p>See <b>Attachment D</b> in this document for a listing of Includable and Excludable Income for all low-income youth.</p> <p>For individual with a disability:</p> <ul style="list-style-type: none"> <li>• Detailed case notes</li> <li>• Self-attestation</li> </ul> <p>A hard copy or scanned-in copy of the documentation is required. IEP's from past schools will work for disability purposes, there is no time limit restrictions on the IEP.</p> <p>For homeless individual:</p> <ul style="list-style-type: none"> <li>• Self-attestation</li> <li>• Documentation permissible by the Department of Housing and Urban Development</li> </ul>

Eligibility Item	Eligibility Definition	Source Documentation - Eligibility
	<ul style="list-style-type: none"> <li>• Is a person with a disability whose own income meets the income criteria established in WIOA 3(36)(A)(ii), but is a member of a family whose income does not meet this requirement. <b>OR</b></li> <li>• Is a youth living in a high poverty area.</li> </ul>	
<b>5 % eligibility exception for youth who are not low income</b>	<p>Not more than five percent (5%) of youth may be covered individuals except that they are not low income.</p> <p>A “covered individual” is:</p> <ul style="list-style-type: none"> <li>○ An <u>in-school</u> youth <b>OR</b></li> <li>○ An <u>out-of-school</u> youth who is: <ul style="list-style-type: none"> <li>○ a recipient of a secondary school diploma or equivalent who is low income <b>OR</b></li> <li>○ a low income individual who requires additional assistance to enter into or complete an educational program to secure or hold employment.</li> </ul> </li> </ul>	A hard copy or scanned-in copy of the documentation is required.
<b>5% Limitation for in-school youth requiring additional assistance</b>	No more than five percent (5%) of <u>in-school</u> youth participants may be those who are eligible because they require additional assistance to complete an educational program or to secure or hold employment.	A hard copy or scanned-in copy of the documentation is required.
<b>Military Selective Service</b>	<p>All males born after December 31, 1959 to be registered with the U.S. Military Selective Service.</p> <p>Section 189(h) of WIOA requires individuals to be in compliance with Section 3 of the Military Selective Service Act (50 USC Appr.452) in order to participate in WIOA Title IB funded programs.</p> <p>Staff <u>must</u> follow operational guidance issued by DWD on verifying that a male customer born after December 31, 1959 is registered with the U.S. Military Selective Service. This includes local management coordinating and publishing a policy for non-registered males, age 26+ and born after December 31, 1959.</p>	<p>The following source documents verify the registration:</p> <ul style="list-style-type: none"> <li>• Acknowledgement letter from the Selective Service</li> <li>• Form DD-214</li> <li>• Screen printout of the Selective Service Verification site: <a href="http://www.sss.gov/RegVer/wfVerification.aspx">www.sss.gov/RegVer/wfVerification.aspx</a> (Staff enters last name, SSN and date of birth at website. Printout includes Selective Service number and date of birth as confirmation for data validation)</li> <li>• Selective Service Registration Card</li> <li>• Selective Service Verification Form (form 3A)</li> <li>• Stamped Post Office Receipt of Registration</li> </ul> <p>A hard copy or scanned-in copy of the documentation is required.</p>

Figure. 4



## Attachment D

### Includable and Excludable Income for Determining Eligibility

Eligibility requirements frequently reference **family income**. For purposes of determining family income for eligibility, “family” is defined 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:

- (a) A married couple and dependent children;
- (b) a parent or guardian, and dependent children
- (c) A married couple

Per TEGL 26-13, issued June 18, 2014:

The Department of Labor’s policy is to recognize lawful same-sex marriages as broadly as possible to the extent that federal law permits, and to recognize all marriages valid in the jurisdiction where the marriage was celebrated—i.e., the ‘state of celebration.’ . ETA interprets gender specific terms of marriage such as “widow,” “widower,” “husband,” and “wife,” to include married same-sex spouses.

Low Income Eligibility for youth is based on family size and includable income. Determining the family income is completed by calculating all includable income from six months prior to the date of enrollment/application. The six month figure is then multiplied by two to give an annualized income that is more representative of the current economic status. Includable Forms of Income:

- Gross wages and salaries before deductions: The full amount, before payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation from work performed as an employee. If a family’s only source of income was from wages and salary payments, family income would be equal to gross wages and salary received.
- Income from non-farm self-employment: Net income (gross receipts minus operating expenses) from a person’s own unincorporated business, or other non-farm enterprise in which a person is engaged on his/her own account. If the business or enterprise has suffered a loss, this loss will be allowed to off-set wage earnings. However, expenditures for businesses expansion or amortization of capital indebtedness cannot be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service Regulations. Any withdrawal of cash or assets from the operation of a business or profession is to be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
- Income from farm self-employment: Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses). If the farm has suffered a loss, this loss will be allowed to off-set wage

earnings. Money received under the Agricultural Crop Stabilization Program is considered income.

- Interest, dividends, and other net income from real or personal property: Expenditures for amortization of capital indebtedness cannot be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized by the Internal Revenue Service. Any withdrawal of cash assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.
- Child Support Payments
- State and Federal Unemployment Insurance Compensation
- Money received from such periodic sources as:
  - Governmental and non-governmental pensions (including military retirement pay);
  - Social Security Disability Insurance (SSDI) payments (Title II of the Social Security Act, Federal Old Age, Survivors and Disability Insurance);
  - Regular payments from Old Age, Survivors and Disability Insurance (OASI) benefits received under Section 202 of the Social Security Act;
  - Railroad retirement benefits;
  - Strike benefits from union funds;
  - Workers' compensation;
  - Regular training stipends;
  - Alimony;
  - Military family allotments or other regular support from an absent family member or someone not living in the household;
  - Regular insurance or annuity payments;
  - College or university scholarships, grants (excluding Pell Grants), fellowships, and assistantships;
  - Net royalties;
  - Periodic receipts from estates or trusts; and
  - Net gambling or lottery winnings.

Exclusions from Family Income:

- Non-cash benefits such as:
  - Employer paid or union paid portions of fringe benefits;
  - Food or housing received in lieu of wages;
  - Medicare benefits;
  - Medicaid benefits;
  - SNAP;
  - School lunches; and
  - Housing assistance.
- Housing and Urban Development: Rental subsidies such as Section 8 programs;
- Scholarship Assistance: Assistance that is needs-based;
- Financial Assistance: Assistance under Title IV of the Higher Education Act (i.e. Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work-Study programs, PLUS, Stafford and/or Perkins loans). Loans are considered to be “debt” and not “income”;
- Capital gains/losses;
- Assets drawn down as withdrawals from banks;
- Cash welfare payments: Payments received under a Federal, State, or local income-based public assistance program such as:
  - TANF;
  - Supplemental Security Income (SSI);
  - Emergency Assistance money payments;
  - General Assistance/Work Readiness; and
  - Refugee Cash Assistance
- Cash Payments under Title V of the Older Americans Act:
  - Green Thumb;
  - Senior Aides; and
  - Older American Community Service Employment Program
- Job Corps payments;
- The sale of property, house, or an automobile;
- Tax refunds;
- One-time gifts;

- Loans;
- Lump sum inheritances;
- One-time insurance payments, or compensations for injury;
- IRA withdrawals;
- Cash value of food and fuel produced and consumed on farms;
- Imputed value of rent from owner-occupied non-farm or farm housing;
- Income earned by any person while serving on active duty and income derived from certain other veterans' benefits:
  - Compensation for service connected disability;
  - Family compensation for service-connected death;
  - Vocational rehabilitation; and
  - Education assistance.
- Payments received under the Trade Readjustment Act of 1974 as subsequently amended;
- Black Lung payments received under the Benefits Reform Act of 1977;
- Terminal leave pay; severance pay or a cash-out of unused accrued vacation time;
- Payments to volunteers under the Domestic Volunteer Act of 1973 (42 U.S.C. 5044 (g) 5058):
  - AmeriCorps;
  - Volunteers in Service to America (VISTA);
  - Retired Senior Volunteer Program;
  - Foster Grandparent Program;
  - Youthful offender incarceration alternatives;
  - Senior companions.
- Allowances, earnings and payments to participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- Allowance, earnings and payments made to individuals participating in WIOA programs or any other workforce development program for which eligibility is based upon a needs and/or income test;
- Payments or allowances made under the U.S. Department of Health and Human Services Low-Income Home Energy Assistance Program (42 U.S.C. 8624 (f));
- Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments (26 U.S.C. 32 (j));

- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Act (42 U.S.C. 10602); and
- Payments made by the State and/or local on behalf of a foster child.

Note: the documents used to calculate an individual's or family's income level are generally valid for a one-month period of time, unless specified otherwise – Once low income eligibility has been established for a youth or an adult income-based program, the customer must receive a service under the funding source within 30 calendar days.