

# North Central Workforce Development Area

234 N. Mission • Wenatchee, WA 98801 • (509) 663-3091 • Fax (509) 663-5649 • [www.skillsource.org](http://www.skillsource.org)

## LOCAL DIRECTIVE

Directive #: <u>17-163 REV 6</u> Date: <u>May 8, 2023</u>
---

TO: SkillSource Staff and Service Providers

FROM: Lisa Romine, Executive Director

SUBJECT: WIOA Youth Eligibility and Design Framework (Assessment, ISS, Case Management)

SUPERCEDES: Directive #17-163 REV 5

### **Revision 6 Change Summary:**

1. Added self-attestation to verification for date of birth; removed parent co-signature from low-income verification (ref. TEGL 23-19 Change 2 & WS Policy 1003 Rev 4)
  2. All eligibility application and verification checklist forms are maintained separately from this directive
- 

Pursuant to Workforce Innovation and Opportunity Act Section 129(a), 20 CFR Part 681, TEGL 21-16, TEGL 10-16 Change 1 and WorkSource System Policy 1019 Rev. 8, this Directive outlines Eligibility Determination and Design Framework (Objective Assessment, Individual Service Strategy (ISS) and Case Management) and Program Elements for local Workforce Innovation and Opportunity Act (WIOA) Title I Youth Programs.

#### TABLE OF CONTENTS:

- I. ELIGIBILITY
- II. OBJECTIVE ASSESSMENT
- III. INDIVIDUAL SERVICE STRATEGY (ISS)
- IV. DEFINITIONS

The following forms are available separately at <https://skillsource.org/local-directives>:

- Eligibility Application
- Income & Family Size Worksheet
- Self-Attestation Form (Youth)
- Verification Checklist
- Data Sharing and Compliance notices (EO, Complaint)
- Individual Service Strategy (ISS)

## I. ELIGIBILITY

Youth program requirements are distinguished by In-School youth and Out-of-School youth, which have different eligibility requirements.

### In-School Youth

Individuals must meet the following eligibility guidelines to be In-School youth.

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Attending school as defined by state law;
- Age 14 through 21;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified;
- Low income individual; **and**
- One or more of the following:

<b>Category 1</b>	Basic skills deficient
<b>Category 2</b>	An English language learner
<b>Category 3</b>	An offender
<b>Category 4</b>	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 foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
<b>Category 5</b>	Pregnant or parenting
<b>Category 6</b>	A youth who is an individual with a disability
<b>Category 7<sup>1</sup></b>	An individual who requires additional assistance to complete an educational program or to secure or hold employment

<sup>1</sup>Limitation on in-school youth requiring additional assistance. In any single program year, no more than 5 percent of the local area's total in-school youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment (Category 7). [WIOA Section 129(a)(3)(B)]

### Out-of-School Youth

Individuals must meet the following eligibility guidelines to be Out-of-School youth.

- U.S. citizen or otherwise legally entitled to work in the U.S.;
- Not attending any school (as defined under State Law RCW 28A.175.100), at the time of enrollment; (Youth attending Open Doors/1418, HS Equivalency Programs or dropout re-engagement programs (20 CFR 681.230 and WorkSource System Policy 1019 Rev 6 Eligibility Handbook Rev 6), Adult Ed, YouthBuild, Job Corps at the time of enrollment are considered to be not "attending school")
- Age 16 through 24;
- Selective Service Registration (males who are 18 or older and born on or after January 1, 1960), unless an exception is justified; **and**
- One or more of the following:

<b>Category 1</b>	A school dropout
<b>Category 2</b>	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
<b>Category 3**</b>	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
<b>Category 4</b>	An individual who is subject to the juvenile or adult justice system
<b>Category 5</b>	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 foster care system, a child eligible for assistance under Section 477 of the Social Security Act (42 U.S.C. 677), or in an out of home placement
<b>Category 6</b>	Pregnant or parenting
<b>Category 7</b>	A youth who is an individual with a disability
<b>Category 8**</b>	A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment

**\*\* [Only out-of-school youth in Categories 3 and 8 above are required to complete an income and family size worksheet.](#)**

**NOTE:** SkillSource and its contractors/service providers provide all educational services through contracts with school districts in all learning centers. Furthermore, school districts pass through State education funding directly to SkillSource and its contractors/service providers and provide no local levy or other local funding. Additionally, no district-based personnel provide instruction or are accountable for the delivery of instruction.

**APPLICATION AND DOCUMENTATION:**

To ensure adequate eligibility determinations, documentation for each applicant is required. Adequate documentation includes:

- A completed application for each applicant.
  - Copies of documents used to determine eligibility as outlined in the attached verification and supplemental verification forms. The Youth verification form outlines acceptable forms of documentation including self-attestation where appropriate. Self-attestation may be used, where indicated, when other forms of documentation cannot be obtained. Self-attestation can be a signed and dated WIOA eligibility application as it includes an acknowledgment that falsification of the information shall be grounds for immediate termination and may subject the applicant to other penalties under the law.
- Trainer determines eligibility and signs at the bottom of the Verification Record.
- A Training Manager or his/her designee will review each file for correct eligibility determination and sign at the bottom of the Eligibility Verification Record upon review.
- Data will be entered into the data system consistent with Data Service & Case Notes Directive

**II. OBJECTIVE ASSESSMENT**

As per WIOA Sec. 129(c)(1)(A) and TEGL 21-16, the WIOA youth program design requires an objective assessment of academic levels, skill levels, and service needs of each participant, which includes a review of:

- basic skills

- occupational skills
- prior work experience
- employability
- interests, aptitudes (including interests and aptitudes for nontraditional jobs)
- supportive service needs
- developmental needs
- youth's strengths rather than just focusing on areas that need improvement

Objective assessment results will be recorded on the Individual Service Strategy (ISS).

Assessment should be an ongoing process, continually reviewing participant interests, abilities, etc., that allows the case manager an opportunity to evaluate how effective services are in meeting particular needs and ensuring flexibility in adapting service delivery strategies to a youth's needs and employment goals.

It is important that all services provided to participants match participant needs, as identified in the assessment and plans articulated in the ISS. It is important that the ISS is reviewed with the youth to reinforce the youth's familiarity with the goals and for periodic updates. Youth are to receive a copy of the jointly-developed and completed ISS.

### III. INDIVIDUAL SERVICE STRATEGY (ISS)

Pursuant to 20 CFR 681.420(a)(2), the design framework of local youth programs must develop, and update as needed, an individual service strategy 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), (Employment or Education (Q2 & Q4), Median Earnings (Q2), Diploma/Credentials, Measurable Skill Gains
- identifies career pathways that include education and employment goals,
- considers career planning and the results of the objective assessment and
- prescribes achievement objectives and services for the participant

Components of the ISS:

- The ISS is a detailed, unique, individual strategy for each participant that is the basis for the overall case management strategy and is a living document, reviewed and updated on an ongoing basis
- The case manager uses the ISS to update strategies and activities as they occur and/or as life changes require, and to document referral and contact information for services obtained from partner organizations
- When reviewing the ISS, case managers should document a participant's progress, activities completed, benchmarks reached
- The ISS is to be developed and modified in partnership with the participant, and documents achievements in measurable and attainable short-term and long-term goals that both reflect the young person's interests and incorporate career pathway planning

**DEVELOPMENT OF THE ISS:** The local area requires that each WIOA registered youth participant have a fully developed ISS. The attached ISS is to be used to document assessment, planned activities, services and projected goals and outcomes. Instructions on the completion and use of the ISS form are included with the attached form. The ISS must be updated when activities are completed or there are changes in the plan. The customer must participate in the development of the ISS and receive a copy of the completed document. ISS forms and instructions are available at <https://skillsource.org/local-directives>.

## IV. DEFINITIONS

### 1) Low Income

Utilizing the definition at WIOA Section 3(36), of low-income means an individual who:

- (i) 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 established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;
- (ii) is in a family with total family income that does not exceed the higher of— (I) the poverty line; or (II) 70 percent of the lower living standard income level;
- (iii) is a homeless individual (as defined 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 under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));
- (iv) receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

Note: Per WorkSource System Policy 1019, Revision 6 and referenced Section 4 of TEGL 21-16 states that if schools offer all students with free or reduced price lunches, this criterion cannot be used to determine individual low-income eligibility for ISY. Also, with that same qualifier, OSY who are parents of children living in the same household who receive (or are eligible to receive) free or reduced price lunches meet low-income criteria based on their children’s qualification.

- (v) is a foster child on behalf of whom State or local government payments are made; or
- (vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

WIOA Section 129(a)(2) states that low-income additionally includes youth living in high- poverty areas with 20 CFR 681.260 defining a high-poverty area as a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-year data.

#### Low Income Exceptions:

WIOA Section 129(3)(A)(ii) and 20 CFR Part 681.250(c) allows a low income exception where five percent (5%) of all WIOA youth participants may be participants who ordinarily would be require to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low income criteria. This five percent must be calculated based on the percent of newly enrolled youth in the Area’s youth program in a given program year. Managers are required to send all low income exception requests to the Managing Director for approval prior to enrollment.

### 2) Family

“Family” means 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 married couple and dependent children
- parent or legal guardian and dependent children, or
- a married couple

The phrase “living in a single residence” with other family members include temporary, voluntary residence elsewhere (e.g. attending school or college, or visiting relatives). It does not include

involuntary temporary residence elsewhere (e.g. incarceration, or placement as a result of a court order).

### 3) **Dependent**

For the purpose of determining family size for WIOA Title I Youth Program eligibility, the State has identified three instances, at a minimum, in which a given youth must be considered as a dependent. These three instances are:

- a) Youth under 18 who are not emancipated youth or runaway youth living “at home” with their parents or legal guardians, including individuals in the temporary care of another individual or household (but not claimed as a dependent by that household).
- b) Youth age 18-19 who are full-time students in a secondary school or equivalent, and are living “at home” with their parents or legal guardians.
- c) Youth age 18-24 who are not full-time students and are living “at home” with their parents or legal guardians and who are primarily supported by their parents.

Further local guidance: “Primarily supported by parents” means youth age 18-24, live “at home” with a parent or guardian and any income of their own for the past 6 months has been less than 30% of the OMB Poverty Income level guidelines (ie: not self-supporting) for a family of one and is not themselves:

- (i) Married or living with a dependent child, or
- (ii) Receiving cash welfare payments (excluding SSI).

A legal ‘guardian’ is a blood relative (ie: grandparent, aunt or uncle) or another legally recognized relative (ie: decree of court) who claims the youth as a dependent. The key factors are:

- Relationship by blood or decree of court:
- Living in a single residence; and
- The youth is claimed as a dependent.

#### **Independent and/or Family of One**

- A youth 18-24 years or older who resides in the family and who, within the last six months, has had any income totaling more than 30% of the OMB Poverty income level guidelines for a family of one is considered an independent family unit of one.
- A person 25 or older is considered an independent adult even if living at home with parents.
- An “individual with a disability” shall, for the purpose of income eligibility determination, be considered to be an unrelated individual who is a family unit of one.

### 4) **Basic Skills Deficient** - an individual -

- (a) who is a youth, who has English reading, writing, or computing skills at or below the 8th grade level (8.9) on a generally accepted standardized test; or
- (b) who is a youth, 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.

### 5) **English Language Learner** - when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and—

- (a) whose native language is a language other than English; or
- (b) who lives in a family or community environment where a language other than English is the dominant language.

### 6) **Offender** - means an adult or juvenile -

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

- 7) **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 in to the definition of parenting. The father does not attain parenting status under WIOA until the child is born; that status does not convey to the father during pregnancy. A pregnant individual can only be the expectant mother.
- 8) **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). When disability is the criteria used for establishing priority (ie: family of one & low income, disability must be verified using resources outlined on verification checklist, placed in separate medical file with case notes describing how the disability meets ADA of 1990.
- 9) **Requires additional assistance to complete an educational program or to secure and hold employment**: An individual who faces one or more barriers to employment including: inadequate transportation, mental health or chemical dependency issues, below grade level, credit deficient, failing one or more classes, lives in a dysfunctional household environment, incarcerated parent, is responsible for caring for siblings or parents at home. Per WIOA Section 129(a)(3)(B), in any single program year, no more than five percent of a local area's total In-School Youth participants can be those who require additional assistance to complete an educational program or to secure or hold employment. This five percent must be calculated based on the percent of newly enrolled in-school youth in the Area's youth program in a given program year. Managers are required to send all requests to enroll in-school youth based on this criterion alone to the Managing Director for approval prior to enrollment.
- 10) **Governor-designated additional populations with barriers** - Exercising the authority granted under WIOA Section 3(24)(N), effective December 1, 2021, the Governor additionally designated Black, Asian, Native Hawaiian, Compact of Free Association (COFA) nations, and Pacific Islander communities; Latinos; LGBTQ communities; expectant persons; and veterans as populations with barriers to employment for the purpose of targeted outreach for WIOA one-stop system services in Washington.
- 11) **School Dropout** - (WIOA Sec 3. (54)) defines as: an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.
- 12) **Out of School Youth** - 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. RCW 28A.225.010 states youth under 18 are required to attend school unless outlined exceptions apply. Because school districts differ in what they use for school year quarters, the time period of a school year quarter is based on how a local school district defines its school year quarters.

**13) Income**

For the purposes of determining Family Income status under Low Income criteria (ii), the following income sources will be considered Includable or Excludable:

**Includable Income**

- Money, wages, and salaries before any deductions. (May be self-attested on income worksheet)
- Net receipts from non-farm self-employment (recipients from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense).
- 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).
- Regular payments from railroad retirement, strike benefits from union funds, and worker's compensation (not lump sum) training stipends.

- Alimony.
- Military family allotments or other regular support from an absent family member or someone not living in the household.
- Pensions whether private, government employee (including military retirement pay), law enforcement firefighters (LEF) disability income.
- Regular insurance or annuity payment.
- College or university grants, fellowships, and assistantships, state work-study, (not needs based scholarships): the key is whether or not the money is a loan to be paid back. If it is to be paid back, then it is a loan, and excludable income, if not, then it is includable.
- Dividends, interest, net rental income, net royalties, and periodic receipts from estates or trusts.
- Net gambling or lottery winnings.
- L&I paid on a monthly basis.
- Unemployment compensation.
- Child support
- Old Age and Survivors Insurance (OASI)
- Social Security Disability Insurance (SSDI)

**If the payment cannot meet one of the excludable criteria, then the payment will be includable income.**

**Excludable Income:**

- Public assistance payments (including TANF, SSI, RCA, GA, emergency assistance money payments, and general relief money payments).
- Foster child care payments.
- Financial assistance under Title IV of the Higher Education Act, i.e. Pell grants, federal supplemental educational opportunity grants and federal work study (Stafford and Perkins loans, like any other kind of loans, are debt and not income). Needs-based scholarship assistance.
- Allowances, earnings, and payments to individuals participating in WIOA.
- Trade Readjustment Allowance (TRA)
- Workforce Training Assistance
- Job Corps earnings, allowances, payments
- OJT wages from WIOA participation
- Capital gains.
- Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car.
- Tax refund, gifts, loans, lump-sum inheritance, one-time insurance payments, or compensation for injury (lump sum).
- Non-cash benefits such as employer fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance.
- Income earned while on active military duty and other benefits specified at 38 U.S.C. 4213 items (1) and (3) section 4213 requires WIOA to disregard pay or allowances received by any person while serving on active duty. Note: This should be ex-service personnel who did not receive veteran 1 status, i.e., discharged other than honorable status. Section 4213 goes on to tell us to disregard benefits received by ex-service personnel who have veteran status. These benefits can only be received if the person has not been discharged under honorable, general, unsuitable, etc. The six specific benefits are:
  - CH 11 – compensation for service connected with disability or death.
  - CH 13 - dependency and indemnity compensation for service-connected death.
  - CH 31 – vocational rehabilitation.
  - CH 34 – veteran’s education assistance.
  - CH 35 – war orphans and widows education assistance.
  - CH 36 – administration of education.



- Trade Readjustment Allowance (TRA).
- Workforce Training Assistance.
- Job Corp.

If payment is a one-time lump sum, it is generally excludable. If it is in monthly installments, then it is includable

#### **14) Americans with Disabilities Act of 1990 (42 U.S.C. 12102)**

Sec. 12102. Definition of disability

As used in this chapter:

##### (1) Disability

The term "disability" means, with respect to an individual -

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment (as described in paragraph (3)).

##### (2) Major Life Activities

###### (A) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

###### (B) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

##### (3) Regarded as having such an impairment

For purposes of paragraph (1)(C):

- (A) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
- (B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

##### (4) Rules of construction regarding the definition of disability

The definition of "disability" in paragraph (1) shall be construed in accordance with the following:

- (A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.
- (B) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
  - (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as
    - (I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices,

- hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
  - (II) use of assistive technology;
  - (III) reasonable accommodations or auxiliary aids or services; or
  - (IV) learned behavioral or adaptive neurological modifications.
- (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
- (iii) As used in this subparagraph
- (I) the term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
  - (II) the term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.