

Eastern Area Workforce Development Board  
Workforce Innovation and Opportunity Act  
POLICY 02-20  
YOUTH ELIGIBILITY

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**PURPOSE**

To provide guidance to the subrecipient on the procedures to determine participant eligibility for Youth under WIOA Title 1, Adult and Dislocated Worker training programs.

**REFERENCE(S)**

[Workforce Innovation and Opportunity Act of 2014](#), Section 1 134.

Workforce Innovation and Opportunity Final Rule August 19, 2016, 20 CFR 680 and 681

TEGL 21-16

TEGL 8-15

TEGL 23-14

TEGL 02-14

TEGL 09-22

**BACKGROUND**

WIOA outlines a broader youth vision that supports an integrated service delivery system and provides a framework through which states and local areas can leverage other federal, state, local, and philanthropic resources to support in-school youth (ISY) and out-of-school (OSY). Local boards are required to establish and formally approve a local policy for making eligibility determinations for the WIOA Adult/Dislocated Worker funding stream. Local board policy must also include guidance on the use of self-attestation as a last resort when other documentation cannot be found or accessed. The local board is committed to implementing and overseeing the provision of high quality services for all youth and young adults, beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, such as pre-apprenticeships or internships, and culminating with a good job along a career pathway, enrollment in post-secondary education, or a Registered Apprenticeship.

The Youth Program delivers a comprehensive array of services that focus on assisting transitional youth ages 16-24, particularly youth who are disadvantaged and have one or more barriers to employment. The goal of the program is to prepare these youth for post-secondary education and employment opportunities, attain educational and/or training credentials, and secure employment that aligns with career pathways. Youth service providers support the 75 percent out-of-school youth and 20 percent work experience expenditure rate as required by WIOA.

Eligibility determination must be made prior to enrollment in WIOA and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who can benefit from and are in need of such opportunities. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

## WIOA YOUTH ELIGIBILITY CRITERIA

Documentation verifying the eligibility of participants in WIOA is mandatory. Eligibility determination must be made prior to enrollment in any WIOA Youth service, and must include an initial determination of need for services to ensure that employment and training opportunities are being provided to those who may benefit from and who are most in need of such opportunities. WIOA is not an entitlement program and eligibility alone does not entitle an individual to receive services.

Veterans and eligible spouses covered by Public Law 107-288, who otherwise meet the eligibility requirements for enrollment and for whom WIOA services are deemed appropriate, are to be given priority over non-veterans for the receipt of employment, training, and placement services provided under the WIOA program.

Each of the following eligibility elements must be documented for each participant **prior to the receipt of WIOA Title I services**. Required documentation for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation contained in the included attachment. Scanned documents stored must be stored in the electronic document management systems and must be legible.

- A. **Right to Work** – Participation shall be open 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 as required in WIA section 188(a)(5). If the participant does not possess one of the forms of ID listed and does not provide the requested information, application to the program must be denied. (**Exception:** Per TEGL 19-01, Change 1, Victims of Trafficking and Violence Protection Act of 2000; Trafficking Victims Protection Reauthorization Acts of 2003 and 2005; and the Role of the Workforce Investment System in the Delivery of Services for Victims of Trafficking, operators may not deny WIA-funded services to victims of severe forms of human trafficking based on their immigration status. See TEGL 19-01, Change 1 for further information.)

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14** requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.*

**Note:** WIOA can pay for a picture ID or DL as a supportive service if the client is enrolled in the program. (Additional types of documentation that can be used to demonstrate citizenship are listed in the attached Documentation Checklist and must be maintained in the file until an ID or DL is obtained). A picture ID or DL must be obtained and uploaded to the electronic record within 30 days of the enrollment date. The subsequent document that was used to determine right to work and age must be deleted from the participants electronic file when the ID/DL is uploaded.

- B. **Selective Service/Military Status** – All participants must be in compliance with the Selective Service Act requirements as required by WIOA section 189(h). See the Selective Service section of this TAG.
- C. **Age** at application must be between the ages of 16 and 24.

*Deferred Action for Childhood Arrivals (DACA) participants may not possess a lawful presence document, and also may have been issued a driver's license or ID not valid for public benefits. USDOL **TEGL 02-14***

***requires that we serve these individuals even though they will not be able to demonstrate lawful presence. As a result, an Affidavit of Immigration is not required for eligibility.***

In-School Youth Eligibility

**In-School Youth** means an individual who is attending school, not younger than age 14 (16 for the Eastern Board) or (unless an individual with a disability who is attending school under state law) older than age 21, low-income and one or more of the following barriers:

**Barrier –**

- A. Basic skills deficient;
- B. An English language learner;
- C. An offender;
- D. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- E. Pregnant or parenting;
- F. A youth who is an individual with a disability;  
Requires additional assistance to enter or complete an educational program or to secure or hold employment. (Because the State has chosen to not define “**additional assistance**” as relates to WIOA Youth program eligibility, each Local Board has the responsibility for determining its own definition of this eligibility category. The Eastern Board has defined this as: Any youth who meets any of the following criteria: a gifted student (as defined by New Mexico State Department of Education Regulations) who requires additional assistance to complete an educational program, or to secure and hold employment; a youth who’s family is dependent upon public assistance; a youth with poor work history as evidenced by the loss of and/or changing of jobs three or more times in a twelve month period; or a youth who is at risk of school and/or employment failure based on family/home factors, a youth with parents in the criminal justice system, family violence factors, behind graduation rate on credits, substance abuse by youth or family members, behind grade level, is a member of a household that has received public assistance in the last six months, is believed by school or public agency to be at risk, is/or was an ESL student, family history of seasonal or poor work history, referred by police or courts, has a history of or is at risk of gang involvement.

Additional Clarification [TEGL 21-16]. If a youth is enrolled in the WIOA program between high school graduation and postsecondary education, the youth is considered in-school if they are registered for credit bearing postsecondary education classes even if they have not yet begun classes at the time of enrollment.

**LIMITATIONS**

- The Eastern area WDB has determined that services to in-school youth will be limited to youth at least 16 years of age;
- Each local area: not more than 5 percent of the in-school youth assisted under this section may be eligible under “individual who requires additional assistance” to complete an educational program or to secure or hold employment. (WIOA and Sec 129(3)(B))

**Exceptions:**

- not more than 5 percent of the in-school individuals assisted be individuals that are not low-income. (WIOA and Sec 129(3)(A)(ii)). All 5% enrollments MUST be approved and tracked by AE staff. AE staff must case

- note the approval of the enrollment or any funds spent will be a disallowed cost.
- 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 an ISY after the age of 21, if their state law allows youth with disabilities to be served by the K-12 system beyond the age of 21.

Out-of-School Youth Eligibility

**Out-of-School Youth** means an individual who is not attending any school, not younger than age 16 or older than 24; and has one or more of the following barriers:

**Barrier –**

- A. School dropout;
- B. Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter;
- C. Recipient of a secondary school diploma or its recognized equivalent who is low-income and basic skills deficient or an English language learner;
- D. Subject to the juvenile or adult justice system;
- E. A homeless individual defined in sec. 41403(6), Violence Against Women Act (42 U.S.C. 14043e-2(6)), a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477, Social Security Act (42 U.S.C. 677), or in an out-of-home placement;
- F. Pregnant or parenting;
- G. An individual with a disability; and
- H. Low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

**Note:** An individual who is out of school at the time of registration and subsequently placed in an alternative school may be considered an out-of-school youth.

Exceptions:

- Not more than 5 percent of the out-of-school individuals in the following categories be considered eligible and not meet the low-income criteria: a recipient of a secondary school diploma or its recognized equivalent who is low-income individual and is basic skills deficient; or an English language learner; a low-income individual but requires additional assistance to enter or complete educational program or to secure or hold employment may not be low income individuals. (WIOA and Sec 129(3)(A)(ii)). All 5% exceptions must have prior approval by the administrative entity.
- Youth attending High school equivalency programs that are funded by the public K-12 system that are classified by the school system as still enrolled in school are considered ISY.
- Homeschooling – Youth must be classified as ISY or OSY based on NM education’s determination of homeschool status.
- Any youth enrolled under any 5% exception MUST be approved by the board’s administrative staff. This approval must be noted by AE staff in the case notes. Any youth enrolled under a 5% exception without AE approval will result in disallowed costs.

**Note:** Individuals ages 18 through 24 may be eligible for both Adult and Youth programs if they meet the respective eligibility requirements for both programs.

**ELIGIBILITY DOCUMENTATION REQUIREMENTS**

**DOCUMENTATION:** Physical evidence, which is obtained during the verification process, is maintained in participant files. Such evidence would be copies of documents, completed telephone verification/document inspection forms, or signed self-attestation forms. Documents must be stored in an electronic document management system. Subrecipients must ensure all information or documentation stored in an electronic document management system

are uploaded in a timely manner to ensure record security. The crash of a computer system is not a valid excuse for loss of information.

**CASE NOTES:** Case notes refer to either paper or electronic statements by the career coach that identifies, at a minimum, the following: a participant's status for a specific data element, the date on which the information was obtained, and the career coach who obtained the information.

**SELF-ATTESTATION:** Self-attestation occurs when a participant states his or her status for a specific data element and then signs and dates a form acknowledging this status. The key elements for self-attestation are:

- (a) the participant identifying his or her status for permitted elements and
- (b) signing and dating a form attesting to this self-identification.

The form and signature can be on paper or in the state management information system, with an online signature.

### **DOCUMENTING ELIGIBILITY WITH SELF-ATTESTATION**

Self-attestation cannot be used to document the basic WIOA eligibility data elements of **right to work, selective service, and age** for services provided beyond staff assisted service with significant staff assistance. Documenting **eligibility requirements** with self-attestation is a method of last resort when no other source of documentation can be found or accessed. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. Case notes should document efforts made to obtain other sources and state why they were not available. Please review the most current or relevant Data Validation TEGL (23-19) to assist in determining when it is appropriate to use self-attestation; or consult with your local AE staff if the data element in question is not addressed in this policy. Local Boards may create their own self-attestation form; however, it must include all elements of the self-attestation form included in this policy.

### **PRIORITY OF SERVICE**

Section 134(c)(3)(E) of WIOA establishes a priority requirement with respect to funds allocated to a local area for adult employment and training activities. Under this section, Workforce Connection Center (WCC) staff when using WIOA funds to provide individualized career services, training services or both, must give priority to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority population for the Title I adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services in the local area.

Across all titles, WIOA focuses on serving “individuals with barriers to employment” and seeks to ensure access to quality services for these populations. The priority populations under WIOA are:

#### **Individuals with Barriers to Employment**

The population included in the “individuals with barriers to employment” in WIOA sec 3(24) include:

- (a) Displaced Homemakers
- (b) Low-Income individuals
- (c) Indians, Alaska natives, and Native Hawaiians
- (d) Individuals with disabilities, including youth who are individuals with disabilities.
- (e) Older Individuals (age 55 and older)
- (f) Ex-offenders
- (g) Homeless individuals or homeless children and youths
- (h) Youth who are in, or have aged out of the foster care system;

- (i) Individuals who are:
  - (1) English language learners
  - (2) Individuals who have low levels of literacy (an individual is unable to compute or solve problems, or read, write or speak English at a level necessary to function on the job, or in the individual's family or in society); and
  - (3) Individuals facing substantial cultural barriers
- (j) Eligible migrant and seasonal farmworkers
- (k) Individuals within two years of exhausting lifetime TANF eligibility
- (l) Single parents (including single pregnant women)
- (m) Long-term unemployed individuals (unemployed for 27 or more consecutive weeks); and
- (n) Such other groups as the Governor determines to have barriers to employment.

#### Veterans Priority

A veteran is defined as a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. Although veteran priority should not be confused with eligibility, subrecipient staff must verify veteran status when enrolling a veteran or qualifying spouse. Verification documents will be submitted as part of the applicant's enrollment packet and maintained in the participant's electronic file.

Veterans and eligible spouses covered by Public Law 107-288, continue to receive priority of service for all DOL funded job training programs. The veteran or covered person must otherwise meet the eligibility requirements for enrollment. For income-based eligibility determination and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veteran's Affairs (VA) for vocational rehabilitation, disability payments, or related VA funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230.

Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes which is often referred to as "weekend" or "annual" training. Nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities.

A qualifying spouse is the spouse of any of the following:

- Any veteran who died of a service-connected disability; or,
- Any member of the Armed Forces who is listed in one of the following categories for at least 90 days: missing in action, captured in the line of duty, forcibly detained by a foreign government; or,
- Any veteran who has a total disability resulting from a service-connected disability; or,
- Any veteran who died while a disability was in existence.

#### Order of Priority

Priority must be applied in the following order:

1. First, to veterans, and eligible spouses who are also included in the groups given statutory priority for WIOA Adult formula funding. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first-priority for services with WIOA.
2. Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for Adult formula funds.
3. Third, to veterans and eligible spouses who are not included in WIOA's priority groups.

4. Fourth, priority populations established by the Governor and/or Local WDB.
5. Last, to non-covered persons outside the groups given priority under WIOA.

Note: When past income is an eligibility determinant for training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

Additionally, the WIOA Final Rule at 20 CFR 680.230, requires coordinated WIOA funded training with “other grant assistance”, such as Federal Pell Grants. However, VA benefits for education and training services do not constitute “other grant assistance” under WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving WIOA funded services, including training funds. Similarly, WIOA program operators may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

## **SELECTIVE SERVICE REGISTRATION REQUIREMENTS**

Men born on or after January 1, 1960 are required to register with Selective Service within 30 days of their 18th birthday (i.e. 30 days before or 30 days after their birthday.) This includes males who are:

- A. Citizens of the U.S.;
- B. Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees, who take up residency in the U.S. before their 26th birthday; and/or
- C. Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Men who are serving in the military on full-time active duty;
- B. Men attending the service academies;
- C. Disabled men who were continually confined to a residence, hospital or institution; and/or
- D. Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- A. Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of supporting documentation include:
  1. Date of entry stamp in his passport;
  2. I-94 with date of entry stamp on it; or
  3. Letter from the U.S. Citizenship and Immigration Services (USCIS) indicating the date the man entered the United States presented in conjunction with documentation establishing the individual’s age.
- B. Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from age 18 through 25.
- C. Non-U.S. male on a valid non-immigrant visa.



This list is not intended to be exhaustive. Please visit the Selective Service website for more information about the registration requirements at [www.sss.gov](http://www.sss.gov). The Selective Service System also provides a quick reference chart showing who must register located at <http://www.sss.gov/PDFs/WhoMustRegisterChart.pdf>.

#### Registration Requirements for Males Under 26

Before being enrolled in WIOA Title I-funded services, all males who are not registered with the Selective Service and have not reached their 26th birthday must register through the Selective Service website at [www.sss.gov](http://www.sss.gov). If a male turns 18 while participating in any applicable services, registration with Selective Service must be completed no later than 30 days after he becomes 18 to continue to receive WIOA Title I-funded services. If a man under the age of 26 refuses to register with the Selective Service, WIOA Title I-funded services must be suspended until he registers.

#### Determining Knowing and Willful Failure to Register

If the individual was required but failed to register with the Selective Service, **the individual may only receive services if they establish by a preponderance of the evidence that the failure to register was not knowing and willful.** The local board, subrecipient, or contractor that enrolls individuals in WIOA Title I-funded activities, and is thereby authorized to approve the use of WIOA Title I grant funds, is the entity responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure.

Evidence presented may include the individual's written explanation and supporting documentation of his circumstances at the time of the required registration and the reasons for failure to register. The individual should be encouraged to offer as much evidence and in as much detail as possible to support his case. The following are examples of documentation that may be of assistance in making a determination in these cases:

1. Service in Armed Forces. Evidence that a man has served honorably in the U.S. Armed Forces such as DD Form 214 or his Honorable Discharge Certificate. Such documents may be considered sufficient evidence that his failure to register was not willful or knowing.
2. Third Party Affidavits. Affidavits from parents, teachers, employers, doctors, etc. concerning reasons for not registering, may also be helpful to local boards in making determinations in cases regarding willful and knowing failure to register.

To establish consistency regarding the implementation of the requirement, local boards should consider the following questions when determining whether a failure to register is knowing and willful.

In determining whether the failure was "knowing," the authorized organization should consider:

- Was the individual aware of the requirement to register?
- If the individual knew about the requirement to register, was he misinformed about the applicability of the requirement to him (e.g., veterans who were discharged before their 26th birthday were occasionally told that they did not need to register)?
- On which date did the individual first learn that he was required to register?
- Where did the individual live when he was between the ages of 18 and 26?
- Does the status information letter indicate that Selective Service sent letters to the individual at that address and did not receive a response?

In determining whether the failure was "willful", the authorized organization should consider:

- Was the failure to register done deliberately and intentionally?
- Did the individual have the mental capacity to choose whether to register and decided not to register?
- What actions, if any, did the individual take when he learned of the requirement to register?

If an authorized organization determines it was not a knowing and willful failure and the individual is otherwise eligible, services may be provided. If the authorized organization determines that evidence shows that the individual's failure to register was knowing and willful, WIOA services must be denied. Individuals denied services must be advised of available WIOA grievance procedures. Authorized organizations must keep documentation related to evidence presented in determinations related to Selective Service.

# ATTACHMENT A -GLOSSARY

Local program staff making eligibility determinations for the Youth program should make use of the following definitions:

**AGE OF COMPULSORY SCHOOL ATTENDANCE, BUT NOT ATTENDING** [20CFR 681.210(c)(2)]: A youth of an age of compulsory attendance that has not attended school for at least the most recent school year calendar quarter.

**APPLICANT:** An individual who applies for training and/or services provided under WIOA through a WIOA grant recipient or sub-recipient.

**DEPENDENT CHILD:** A child, related by blood, marriage, or decree of court, living in a single residence with his/her parent(s) or guardian

**BASIC SKILLS DEFICIENT:** For youth eligibility, this is defined as at or below the 8<sup>th</sup> grade level. In defining this for workforce basic skills proficiency it is defined as an individual 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. WIOA affords local boards the flexibility to establish this definition. The eastern board has defined this as below gold level Career Readiness Certification Level (CRC) or its equivalent on an adult education cross walk.

**DEFICIENT IN BASIC LITERACY SKILLS:** (For use in determining basic youth eligibility.) An individual who:

1. computes or solves problems, reads, writes, or speaks English at or below the eighth-grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test; or
2. is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society.

**DROP OUT:** A "school dropout" is defined in WIOA Section (3)(54) as an individual who is no longer attending any school and who has not received a secondary school diploma or its equivalent.

**ENGLISH LANGUAGE LEARNER:** An eligible individual who:

1. has limited ability in reading, writing, speaking, or comprehending the English language; and
2. whose native language is a language other than English; and
3. who lives in a family or community environment where a language other than English is the dominant language.

**Note:** When a federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other federal statute, such income or payments shall be excluded in WIOA eligibility determination. *Example:* adoption subsidies

Everything that is not listed as excluded from income above is included as income.

**ENROLLED INDIVIDUAL:** An individual is only considered to be an active participant when they have received all of the following:

- a. Documented eligibility assessment;
- b. Youth objective assessment (WCOS activity code 412);
- c. Youth development of Service strategies (IEP WCOS code 413); AND

- d. A recorded service that meets the definition of one of the fourteen program elements that has been recorded in the WCOS.

**FAMILY:** 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 husband, wife, and dependent children.
- b. A parent or guardian and dependent children.
- c. A husband and wife.

**Note:** Family size is determined based on those individuals meeting the above definition at time of application.

**FAMILY INCOME:** Family income includes total 6 months' cash receipts before taxes (i.e. Gross wages) from all sources as defined in "Family" above, except: If the applicant reports little or no includable income, s/he must indicate other resources relied upon for life support during the last six months on the Applicant Statement. Such resources may include such things as unpaid debts, gifts, loans, unemployment compensation, etc.

**FOSTER CHILD:** A youth 14-18 years of age on whose behalf state or local government payments (excluding OASI) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- a. Youth in State Institutions
- b. Youth in Community Group Homes
- c. Youth in Foster Homes

**Note:** The EAWDB limits services to youth age 16 and over.

**GUARDIAN:** An individual related by blood, marriage, or decree of court, living in a single residence, where the parents are not present in the residence.

**HOMELESS PERSON:** An individual who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is

- a. a supervised publicly or privately operated shelter designed to provide temporary living accommodation (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
- b. an institution that provides a temporary residence for individuals intended to be institutionalized; or
- c. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. **EXCLUSION** – For purposes of WIOA, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law. A homeless individual who meets the above criteria is presumed to be economically disadvantaged for purposes of eligibility under the WIA unless demonstrated otherwise.

**IN-SCHOOL YOUTH:** Means a person age 14 through 21 (16 through 21 for the Eastern Area) who is attending school full time and who has not yet received a high school diploma or its equivalent (GED).

Note: The EAWDB restricts services to youth age 16 and above.

**INCOME:** Income from all sources including payments received for Unemployment Insurance and child support payments should be used in calculation of low-income status. However, there are instances where the youth's income is solely considered for eligibility determination. ISY with a disability can use their sole income for determination of low-income status. If an individual is not living in a single residence with other family members that individual is not a member of a family for the purposes of WIOA income calculations.

**INDIVIDUAL:** (Family of one) – A person not meeting the definition of family is considered to be an individual. Youth aged 18 years and older living with parents or other family member(s) must document individual status by completing the Self-Attestation form verifying that status.

**INDIVIDUAL WITH DISABILITY:** Any individual who has a physical or mental disability, which for such individual, constitutes or results in a substantial handicap to employment. Suggested definition for substantial disability to employment: a loss of occupational choice of a class or group of jobs due to the disability, i.e., significant diminishment of occupational choices. An Individual with a Disability may be eligible based on the family of one income guideline.

**INDIVIDUAL WITH A DISABILITY:** An individual with a disability as defined in the Americans with Disabilities Act of 1990, §3. [42 U.S.C. §12102] The individual:

- a. has a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b. has a record of such an impairment; or
- c. is regarded as having such an impairment.

**LOW-INCOME INDIVIDUAL:** An individual who:

- receives or is a member of a family that receives or has received in the past six months, cash payments under a federal, state, or local income- based public assistance program;
- has received in the last six months, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.),
- received an income or is a member of a family that has received a total family income for the six-month period prior to application for the program that, in relation to family size, does not exceed the higher of:
  1. the poverty line, for an equivalent period; or
  2. 70 percent of the Lower Living Standard Income Level, for an equivalent period;
- qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act §103(a) and (c);
- is a foster youth on behalf of whom state or local government payments are made; or
- is an individual with a disability whose own income meets the requirements of (b) above, but who is a member of a family whose income does not meet such requirements. [WIOA §3(36)(A)]
- 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.); or
- A youth who lives in a high-poverty area.

**REQUIRES ADDITIONAL ASSISTANCE:** Any youth who meets any of the following criteria:

a gifted student (as defined by New Mexico State Department of Education Regulations) who requires additional assistance to complete an educational program, or to secure and hold employment; a youth who's family is dependent upon public assistance; a youth with poor work history as evidenced by the loss of and/or changing of jobs three or more times in a twelve month period; or a youth who is at risk of school and/or employment failure based on family/home factors, a youth with parents in the criminal justice system, family violence factors, behind graduation rate on credits, substance abuse by youth or family members, behind grade level, is a member of a household that has received public assistance in the last six months, is believed by

school or public agency to be at risk, is/or was an ESL student, family history of seasonal or poor work history, referred by police or courts, has a history of or is at risk of gang involvement.

**STUDENT WITH A DISABILITY:** An individual with a disability who:

1. is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)); or if the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and
2. is not older than 21 years of age; or if the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), is not older than that maximum age; and
3. is eligible for, and receiving, special education or related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or is an individual with a disability, for purposes of section 504.

**YOUTH WITH A DISABILITY:** An individual with a disability who: is not younger than 16 years of age; and is not older than 24 years of age.

**LIVING IN A SINGLE RESIDENCE:**

- a. **Temporary, voluntary residence elsewhere** – an individual is included in a single residence if they are temporarily and voluntarily living outside of the residence. This may include individuals attending school or college, or visiting relatives. It does not include involuntary temporary residence elsewhere (i.e. incarceration or placement as a result of a court order). **Note:** If a college student is not claimed as a dependent on anyone else’s tax return, they are NOT a dependent child.
- b. **Temporary, involuntary residence elsewhere** – an individual is NOT included in a single residence if they are temporarily and involuntarily living outside of the residence. This may include individuals who are incarcerated or placed as a result of a court order. **Note:** A person not meeting the definition of family is an individual (family of one). Individuals ordinarily included in the definition of family, but no longer claiming to be dependent must complete an applicant statement attesting to individual status. Such statements should be corroborated by the head of household in which the individual resides. (S)He must also show source of his/her support. The individual must provide over 50% of his/her support to be considered a family of one. Income tax records are also a good source of documentation to support that the youth is not claimed by the parents. Youth aged 18 years and more, see “Individual” definition.

**LOWER LIVING STANDARD INCOME LEVEL:** the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the Secretary. Income levels for families of two or more are revised for the lower living standard income level from the U.S. Department of Labor Federal Register issued annually.

**OFFENDER:** Any adult or juvenile who is or has been subject to any stage of the criminal justice process for whom services may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

**PREGNANT OR PARENTING YOUTH:** A youth who is 24 years of age or less at the time of application and who is

pregnant, or a male or female custodial or non-custodial.

**POST SECONDARY EDUCATION:** A program at an accredited degree-granting institution that leads to an academic degree beyond secondary education.

**PUBLIC ASSISTANCE/CASH WELFARE PAYMENTS:** Federal, State or local government cash welfare payments issued directly to the recipient for whom eligibility is determined by a needs or income test (i.e. TANF, Refugee Cash Assistance, and Supplemental Security Income). Note: Supplemental Security Disability Income (SSDI) is not considered cash welfare and does not make a person automatically eligible for WIOA.

**RUN-AWAY YOUTH:** A person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

**SCHOOL DROPOUT:** An individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth's dropout status is determined at the time of registration.

## ATTACHMENT B

### YOUTH ELIGIBILITY DOCUMENTATION

Eligibility	Required Documentation
<p><b>Right to Work in the US</b> (1 is required)</p> <p>Note: A Document Inspection Form may be used for any of these required documents for this eligibility element.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Social Security Card AND Driver's License or other government issued picture ID containing a photograph or information such as name, date of birth, gender, height, eye color and address. (If under 18 years old and does not have a Driver's License; may use school record or doctor/hospital record with signed Social Security Card.)</li> <li><input type="checkbox"/> U.S. Passport (unexpired or expired)</li> <li><input type="checkbox"/> Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li><input type="checkbox"/> An unexpired foreign passport with a temporary I-551 stamp</li> <li><input type="checkbox"/> An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</li> <li><input type="checkbox"/> An unexpired foreign passport with Form I-94 or I-94A bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form</li> <li><input type="checkbox"/> Original or certified copy of a Birth Certificate issued by a state, county, municipal authority or territory of the US bearing an official seal (Document Inspection Form is allowed.)</li> <li><input type="checkbox"/> Certification of Birth Abroad (Form FS-545) or Report of Birth (Form DS-1350) issued by the Department of State</li> <li><input type="checkbox"/> US Citizen ID card (Form I-197)</li> <li><input type="checkbox"/> Native American Tribal Document</li> <li><input type="checkbox"/> I-9 complete including signature by authorized employer or designee</li> </ul>
<p><b>Selective Service</b> (1 is required for those required to register)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Screen printout of the On-line verification at <a href="http://www.sss.gov">www.sss.gov</a></li> <li><input type="checkbox"/> Acknowledgement Letter from Selective Service</li> <li><input type="checkbox"/> Selective Service Verification Form (For 3A)</li> <li><input type="checkbox"/> Selective Service Registration Card</li> <li><input type="checkbox"/> Stamped Post Office Receipt of Registration</li> <li><input type="checkbox"/> DD-214 "Report of Separation"</li> </ul>



<p><b>Social Security Number</b> (Not required for eligibility but must be requested and validated. A Document Inspection Form may be used for any of these required documents for this eligibility element.)</p>	<p> <input type="checkbox"/> DD-214, Report of Transfer or Discharge  <input type="checkbox"/> IRS Form Letter 1722  <input type="checkbox"/> Letter from Social Security Agency  <input type="checkbox"/> Pay Stub with Social Security number  <input type="checkbox"/> Social Security Benefits  <input type="checkbox"/> Social Security Card  <input type="checkbox"/> W-2 Form  <input type="checkbox"/> Declined; pseudo-SSN created </p>
<p><b>Age/Date of Birth</b> (1 is required)</p>	<p> <input type="checkbox"/> Baptismal Record  <input type="checkbox"/> Birth Certificate (Document Inspection Form is allowed)  <input type="checkbox"/> Driver's License  <input type="checkbox"/> Federal, State, or Local photo ID  <input type="checkbox"/> DD-214  <input type="checkbox"/> Passport  <input type="checkbox"/> Hospital record of birth  <input type="checkbox"/> Public assistance/social service record  <input type="checkbox"/> School records or ID card  <input type="checkbox"/> Work permit  <input type="checkbox"/> Cross match with Dept. of Vital Statistics  <input type="checkbox"/> NMWCC Age/Date of Birth Self-Attestation Form (Only allowed as a last resort for this eligibility field.) </p>

<p><b>Low Income</b> (1 is required)</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Pay stubs</li> <li><input type="checkbox"/> Employer statement: written or telephone verification</li> <li><input type="checkbox"/> Alimony agreement</li> <li><input type="checkbox"/> Award letter from Veteran's Administration</li> <li><input type="checkbox"/> Bank statements</li> <li><input type="checkbox"/> Compensation award letter</li> <li><input type="checkbox"/> Court award letter</li> <li><input type="checkbox"/> Pension statement</li> <li><input type="checkbox"/> Family or business financial records</li> <li><input type="checkbox"/> Free or reduced price school lunch verification</li> <li><input type="checkbox"/> Housing authority verification</li> <li><input type="checkbox"/> Social Security benefits statement</li> <li><input type="checkbox"/> Public assistance records</li> <li><input type="checkbox"/> UI documents</li> <li><input type="checkbox"/> Quarterly estimated tax (self-employed persons)</li> <li><input type="checkbox"/> Self-attestation <b>(for out of school youth only. In school youth requires additional info.)</b></li> </ul>
<p><b>Disability</b></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Medical records</li> <li><input type="checkbox"/> Letter from drug / alcohol rehabilitation agency</li> <li><input type="checkbox"/> Case notes regarding an observable condition</li> <li><input type="checkbox"/> Physician's statement</li> <li><input type="checkbox"/> Psychiatrist's statement</li> <li><input type="checkbox"/> Psychologist's diagnosis</li> <li><input type="checkbox"/> Rehabilitation evaluation</li> <li><input type="checkbox"/> School records</li> <li><input type="checkbox"/> Sheltered workshop certification</li> <li><input type="checkbox"/> Social Service records / referrals</li> <li><input type="checkbox"/> Social Security Administration disability records</li> <li><input type="checkbox"/> Veterans Administration letter / records (continued)</li> <li><input type="checkbox"/> Vocational Rehabilitation letter</li> <li><input type="checkbox"/> Worker's Compensation record</li> <li><input type="checkbox"/> Self-Attestation</li> </ul>

<p><b>Barrier</b> (1 or more required)</p>	<p>___ DEFICIENT IN BASIC LITERACY SKILLS Standardized assessment test (Excluding Work Keys) School records Case note (must describe how the case manager determined the participant meets the “Deficient in Basic Literacy Skills” definition)</p> <p>___ SCHOOL DROPOUT Case note WIOA application</p> <p>___ HOMELESS/RUNAWAY Written statement from a shelter Written statement from social service agency Written statement from individual providing residence Self-attestation</p> <p>___ FOSTER CHILD Written confirmation from social services agency Case notes Self-Attestation</p> <p>___ English Language learner Basic skills assessment reflecting low English levels in reading, writing or speaking and attestation for other native language speaker Self-Attestation</p> <p>___ PREGNANT / PARENTING Baptismal record Doctor’s note Observation documented in case note Public Assistance Record Documentation from Partner Child’s birth certificate Self-attestation</p>
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...continued  
**Barrier**  
(1 or more required)

\_\_\_OFFENDER  
Juvenile/criminal justice document  
Telephone verification from juvenile / criminal justice representative  
WIOA application  
Self-attestation

\_\_\_REQUIRES ADDITIONAL ASSISTANCE  
Documentation stating that the youth requires additional assistance and why;  
Documentation that youth has had 3 or more jobs in the last 12 months;  
Letter from a professional such as a counselor or teacher which states why the participant is at risk of failure;  
Documentation of gang involvement;  
Documentation of family violence;  
Documentation of substance abuse on the part of the participant or parents;  
Documentation reflecting that one or both parents is/are incarcerated  
Documentation that the youth has been emancipated;  
School records indicating the youth is/was an English as a Second Language (ESL) student.  
Documentation that the youth receives or is a member of a family that receives cash assistance or food stamps in the twelve months prior to application.  
Documentation that the youth has experienced recent traumatic events, are victims of abuse or reside in an abusive environment;