

<b>Department of Community Colleges and Workforce Development</b>	Number: 589-30.1
	Revised: 11/10/08
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SUBJECT: Workforce Investment Act Title IB Youth Participant Eligibility and File Content Standards	Approved: 

Purpose: To establish the State standards for youth participant eligibility and youth participant file content standards for Workforce Investment Act (WIA) Title IB funded programs.

References: Workforce Investment Act, Public Law 105-220  
ORS 660.339  
20 CFR 664.310  
Training and Employment Notice 9-08, Program Year 2007/Fiscal Year 2008  
Performance Reporting and Data Validation Timelines

Policy: It is the state policy to require that subrecipients have appropriate written procedures to ensure that only eligible youth program participants are served in programs funded under Title IB of the WIA. Subrecipient procedures must satisfy Department of Labor Data Element Validation documentation standards.

- A. The subrecipient's written procedures must include provisions to:
1. Assure that the subrecipient utilizes an applicant statement of eligibility as documentation of the eligibility factors applicable to the applicant. The applicant statement of eligibility should contain wording requesting the applicant to certify that the information provided is true and accurate and wording that states the penalties for misrepresenting information, such as termination or repayment of funds. All eligibility factors relevant to the program of services being applied for must be on the application or eligibility form and signed and dated by the applicant.
  2. Assure that the eligibility information, including barriers not verified by outside sources, for minors are certified by the minor's parent or legal guardian. Minors cannot self-certify their eligibility information. Minors who are legally emancipated may self-certify their eligibility information if there is documentation of the emancipation. If eligibility for homeless or runaway youth cannot be certified through a parent or legal guardian, then the subrecipient should attempt to document eligibility through agencies that the youth may be involved with.
  3. Assure that all applications and, if separate, the applicant eligibility statement forms, are signed and dated by the intake person, the applicant, and in the case of minors, a parent or legal guardian.
  4. Assure that applicants become registered into the applicable program within a reasonable time period after the date of application for services.
  5. Assure that all applications and applicant statements, if separate from the application form, are reviewed to determine: (1) the application is complete; (2) the original eligibility determination was correct; and (3) the information on the eligibility documents is internally consistent, and, in all other regards, reasonable. If it is found that the information provided is not internally consistent or is not reasonable taking into account all of the information provided by the applicant, the subrecipient should take immediate action to

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document any questionable items. This may be through contact with partner agencies or public agencies from which the applicant is currently receiving services or through requesting hard documentation from the applicant.

6. Assure that there is a system for immediate termination of any registrant found to be ineligible and a system to recover funds from the ineligible individual, if the subrecipient determines that this is appropriate for the situation.

- B. The subrecipient may adopt eligibility documentation procedures requiring a higher level of verification than self-certification. If the subrecipient requires documentation of eligibility factors, this requirement must be addressed in the written procedures, and must be applied equally to all applicants.
- C. All eligibility forms or documents must be maintained in the registrant’s file and be available for review by State or Federal review teams.
- D. Subrecipients should also assure that applicants for youth programs certify the barriers that apply to them.

The following guidelines shall apply when determining Family Size and Family Income level for income eligibility purposes in the WIA Title IB youth program funded under Section 128(b)(2)(A) of the WIA. These guidelines apply to the definition of “family” in Section 101(15) and the definition of “low income individual” in Section 101(25) of the WIA. In addition, this policy also clarifies the definition of “school dropout” for the purpose of determining if a youth may be considered an out-of-school youth. The definitions apply to all subrecipients of WIA funds.

E. Family Size

For the purpose of determining an individual’s family size in order to determine the family income the following guidelines apply:

Family shall be defined in accordance with the definition in Section 101(15) of the WIA. “The term ‘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:

- 1. A husband, wife, and dependent children
- 2. A parent or guardian and dependent children
- 3. A husband and wife

The following guidelines apply to the terms contained in the above definition of family and shall be used in the determination of family size:

- 1. The phrase “living in a single residence” with other family members includes temporary, voluntary residence elsewhere (e.g., attending school or college, or visiting relatives). It does not include involuntary residence elsewhere (e.g., incarceration or placement outside of the family as a result of a court order).
- 2. A stepchild or stepparent is considered to be related by marriage.

3. Where two or more family units live in a single dwelling, and:
  - a. the family units are linked by blood, marriage, or decree of court, and;
  - b. each of the family unit(s) living in the single residence meets the definition of family stated in A. 1. above, then;
  - c. for the purpose of determining family size, the family units may be counted as two or more separate families.
4. To establish the family size at the time of application for services, the family size shall consist of those related individuals who meet the definition of family above and who have lived in the single residence for the last 30 calendar days prior to the date of application for Title IB services. In situations where documentation exists, (e.g., birth, marriage or death certificate) that the family size has changed permanently, it would not be necessary to wait 30 calendar days to establish the current family configuration.
5. A youth, ages 18 through 21, who lives with his/her parent(s) or legal guardian(s), and who is not married or does not have dependent children, and who receives less than 50 percent of support from the family, may be considered a separate family unit of one for the purpose of determining family size.
6. A youth, ages 14 through 21, who can document that he/she has lived alone or with persons other than their parent(s), legal guardian(s), or spouse for the previous 30 calendar day period, may be considered a family unit of one for the purpose of determining family size. In order to minimize the legal risks involved with serving unemancipated minors ages 14 through 17 in this situation, every effort must be made to inform the parent(s) or legal guardian(s), in writing, that the minor will be participating in an employment and training program. Such written notice must be initiated prior to registration.
7. A single, divorced or widowed youth ages 14 through 17 who lives with a parent(s) or a legal guardian(s) must be considered a member of the family unless he/she is legally emancipated and he/she has received less than fifty percent of his/her support from his/her parent(s) or legal guardian(s), or he/she meets the definition of an individual with a disability, or he/she is a custodial parent with a dependent child.

F. Family Income:

After the family size has been determined, the low income status of the individual shall be determined in accordance with the definition in Section 101(25) of the WIA, "The term 'low income individual' means an individual who:

1. receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program;

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2. received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved exclusive of unemployment compensation, child support payments, payments described in paragraph (A), and old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402) that , in relation to family size does not exceed the higher of (i) the poverty line, for an equivalent period; or (ii) 70 percent of the lower living standard income level, for an equivalent period;
3. is a member of a household that receives (or has been determined within the six-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);
4. qualifies as a homeless individual, as defined in Subsections (a) and (c) of Section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.11302);
5. is a foster child on behalf of whom State or local government payments are made; or
6. in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B), but who is a member of a family whose income does not meet such requirements.”

The following guidelines apply to clarifying the term “income” as used in the above definition:

1. Inclusions in Family Income

The following clarifications apply to determining what is included in family income for the purpose of determining the income of an individual or a family for the six month period prior to application for Title IB services:

- a. **Gross Wages and Salary.** The total money earnings received from work performed as an employee (including casual labor and on-the-job-training wages). It represents the amount paid before deductions for income taxes, Social Security taxes, bond purchases, union dues, etc. If a family's only source of income was from wages and salary payments, family income would be equal to the gross wages and salary for each member of the family for the six month period prior to application or for that portion of the six month income determination period that each member of the family was a part of the family unit of the applicant
- b. **Net receipts from non-farm self-employment** (receipts from a person's own unincorporated business, professional enterprise, or partnership after deductions for business expense)

- c. 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)
- d. Regular payments from:
  - (1) Railroad retirement benefits
  - (2) Strike benefits from union funds
  - (3) Worker's compensation
  - (4) Alimony
  - (5) Military family allotments or other regular support from an absent family member or someone not living in the household
- e. Pensions whether private or government employee (including military retirement pay)
- f. Regular insurance or annuity payments
- g. College or university grants, fellowships, and assistantships (see exception in section B.2.q and r of this policy)
- h. Dividends and interest
- i. Net rental income
- j. Net royalties
- k. Periodic receipts from estates or trusts
- l. Net gambling or lottery winnings
- m. Vista or Peace Corps stipends
- n. Income received by National Guard or military reserve members who are not veterans

2. Exclusions from Annual Family Income

The following types of payments or funds are not included when calculating family income in accordance with the definition in Section 101(25) of the WIA:

- a. Unemployment compensation
- b. Child support payments
- c. Cash payments under a Federal, State or local public assistance program, including Supplemental Security Income (SSI)
- d. Old-age and survivors insurance benefits received under Section 202 of the Social Security Act (42 U.S.C. 402)
- e. Disability payments
- f. Payments made by a public agency on behalf of a foster child
- g. Capital gains
- h. Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car
- i. Tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury

- j. Non-cash benefits such as employer paid fringe benefits, food or housing received in lieu of wages, Medicare, Medicaid, Food Stamps, school meals, and housing assistance
- k. Payments made by Vocational Rehabilitation to one of their clients (except that on-the-job training Vocational Rehabilitation payments are included income)
- l. Pay or allowances previously received by any veteran (whether an applicant or a member of the applicant's family) while serving on active duty in the United States Armed Forces. Also excluded are payments received by a veteran for participation in National Guard or military, Naval, or Air Force reserve activities
- m. Educational assistance and compensation payments to veterans and other eligible persons under Title 38, United States Code, Chapters:
  - 11 - Compensation for Service-Connected Disability or Death
  - 13 - Dependents and Indemnity Compensation for Service-connected death
  - 31 - Vocational Rehabilitation
  - 34 - Veterans' Educational Assistance
  - 35 - War Orphans' and Widows' Educational Assistance, and
  - 36 - Administration of Educational Benefits
- n. Allowances, income and payments to individuals participating in programs under WIA (Section 181 (9) (2)) (except that wages earned by participants in WIA funded on-the-job training are included income) and other federal programs when a federal statute specifically provides that income or payments shall be excluded in determining eligibility for and the level of benefits received under any other federal statute
- o. Payments made to Indians under PL 98-64 ("An Act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.")
- p. Income derived by a member of an Indian tribe from fishing rights-related activity of the tribe
- q. Educational financial assistance under Title IV of the Higher Education Act (20 U.S.C. 1087), as amended by Section 479(B) of the Higher Education Act Amendments of 1992), i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study payments. Educational loans are considered debt and not income
- r. Needs-based scholarship assistance

#### G. Out-of-School Youth

In accordance with Section 129(c)(4)(A) of the WIA, at a minimum, thirty percent of the funds allocated to a local area for eligible youth shall be used to provide youth activities to out-of-school youth. Section 101(33) of the WIA defines out-of-school youth as: (A) an eligible youth who is a "school dropout"; or (B) an eligible youth who has received a secondary school diploma or its equivalent, but is basic skills deficient, unemployed, or underemployed.

## H. School Dropout

The term “school dropout” is defined in Section 101(39) of the WIA as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. The following guidelines apply to the term “school dropout” when determining an individual’s out-of-school status. These guidelines are in accordance with the definitions established by the Oregon Department of Education (ODE) in ORS 339.505(b) for the purposes of the student accounting system required by ORS 339.515:

1. School dropout means the student:
  - a. has enrolled for the current school year, or was enrolled in the previous school year and did not attend during the current school year;
  - b. is not a high school graduate;
  - c. has not received a General Educational Development (GED) certificate; and
  - d. has withdrawn from school.
2. The term “withdrawn” as used above is defined for the purposes of Workforce Investment Act (WIA) federal reporting as follows: CFR 664.310 – 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 for the purposes of the 30 percent expenditure requirement for out-of-school youth. (WIA Sec. 101(39).
3. School dropout does not include:
  - a. Students who have transferred to another educational system or institution that leads to graduation and the school district has received a written request for the transfer of the student’s records or transcripts
  - b. Students who are participating in home instruction paid for by the district
  - c. Students who are being taught by a private teacher or parent pursuant to ORS 339.030(3)
  - d. Students who are temporarily residing in a juvenile detention facility or a Children’s Services Division or State Office for Services to Children and Families certified shelter care program
  - e. Students who are enrolled in a foreign exchange program
  - f. Students who are temporarily absent from school because of suspension, a family emergency, or severe health or medical problems which prohibit the student from attending school
  - g. Students who have received a GED

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Procedure:

Responsibility

Action

Subrecipient:

1. Provides information in this policy to staff and other agencies that provide youth program services.
2. Adopts policies that meet the requirements of this policy.

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3. Reviews for compliance with this policy.