

TITLE: Youth Eligibility & Selection Criteria Policy # 3.1.2-R1

Type: Program Policy

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Purpose

This policy provides guidance regarding Youth Eligibility under the Workforce Innovation and Opportunity Act (WIOA), as it applies to program recruitment and selection. Eligibility is required to be established prior to any service delivery and/or support expenditure.

Policy

Prior to enrollment in the WIOA-funded Youth Program, program operators must ensure all applicants meet the eligibility requirements for either In-School or Out-of-School Youth as outlined under WIOA Section 129(a)(1) and per State Policy 1019-12. Program staff must document eligibility based on the appropriate category under which the youth qualifies, including required documentation for low-income status, age, and qualifying barriers or risk factors. Eligibility must be determined and documented prior to service enrollment in the Management Information System (MIS).

Policy Guidelines

Youth program requirements are distinguished by In-School (IS) and Out-of-School (OS) youth, which have different eligibility requirements. Per WIOA requirements, a minimum of 75% of the budget must be expended on OS Youth, with no more than 25% being spent on IS. Further, PacMtn requires that enrollment numbers follow the same ratio, allowing for caseload to correlate with expenditure.

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 14-21;
- Selective Service Registration (males 18 or older, and born on or after January 1, 1960);
- Low-income individual (at 70% of the Lower Living Standard Income Level Guidelines for the current program year); and
- One or more of the following:

Category 1	Basic skills deficient
Category 2	An English language learner

Category 3	An offender
Category 4	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
Category 5	An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; 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
Category 6	Pregnant or parenting
Category 7	A youth who is an individual with a disability
Category 8	An individual who requires additional assistance to complete an educational program or to secure or hold employment ⁴

¹ Per proposed 20 CFR 681.300, PacMtn has established a local policy to define criteria for “requires additional assistance” and documentation requirements.

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 school, as defined by state law¹;
- Age 16-24;
- Selective Service Registration (males 18 or older, and born on or after January 1, 1960); and
- One or more of the following:

Category 1	A school dropout ²
Category 2	A youth who is within the age of compulsory school attendance ³ , but has not attended school for at least the most recent complete school year calendar quarter
Category 3	A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is basic skills deficient or an English language learner
Category 4	An individual who is subject to the juvenile or adult justice system
Category 5	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
Category 6	Category 6 An individual in foster care or has aged out of foster care system or who has attained the age of 16 years of age and left foster care for kinship guardianship or adoption; 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

Category 7	Pregnant or parenting
Category 8	A youth who is an individual with a disability
Category 9	A low-income (at 70% of the Lower Living Standard Income Level Guidelines for the current program year) individual who requires additional assistance to enter or complete an educational program, or to secure or hold employment ⁴

¹ According to State guidance, all dropout reengagement programs authorized under RCW 28A.175.100 qualify as out of school, for the purpose of WIOA program eligibility.

² Per WIOA, the term “School Dropout” means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

³ In Washington State, the age of compulsory school attendance in Washington is eight (8) years of age to under 18 years of age.

⁴ PacMtn has established a local policy to define criteria for “requires additional assistance” and documentation requirements.

Additional Definitions of Low Income:

WIOA law states that low-income additionally includes youth living in high-poverty areas, with a poverty rate of at least 30 percent per the American Community Survey 5-year data. At this time, none of PacMtn’s five county area qualifies as high poverty.

Please refer to PacMtn WIOA Youth Income Guidelines.

Family of One-Qualification

Individuals who have a documented disability or are currently in foster care qualify as a Family of One. Only the income of that individual will be counted when establishing low-income status.

- Documentation of the disability is not required to validate eligibility
- If necessary to retain documentation of an individual’s disability, it must be secured and stored as a medical record and filed separately in a separate confidential file
- Verification of status in foster care must be provided in the participant file

Family Size

Determining Family Size for these purposes, “family” under WIOA means two or more individuals 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;
- A parent or legal guardian and dependent children; or Page 23 of 36
- A married couple.

Refer to Section 5.7 for guidance related to the impact of Washington’s Marriage Equality Act.

NOTE: Based on 20 CFR 681.280, even if the family of a disabled individual does not meet the income eligibility criteria, the disabled individual may be considered a low-income individual if their income meets the income criteria of WIOA section 3(36)(A) or 3(36)(B). Disabled individuals would be considered a family of one and only their income considered in determining low-income.

Defining Dependent

PacMtn has established the following criteria consistent with state and federal guidance to help staff

determine family size as or when necessary to determine WIOA Title 1 Youth and Adult Program eligibility.

1. An individual 18 years or older who resides in the family and who, within the last six months, has had any income totaling more than 30 percent of the identified annually Poverty Income Level guidelines for a family of one for 12 months may be considered a family of one.
2. Married or living with a dependent:

If a married individual's family (spouse and/or dependent), resides with the individual and are living within the household of other family members, they are determined a family living within a family. Therefore, the individuals married family would establish the family size.

For example – An individual and their spouse and the child are living with the individual's parents. In such, they would be considered a family of three for determining eligibility.

Exceptions to Youth Eligibility Requirements

Exemption from low-income requirement. In any single program year, no more than 5 percent of a local area's total youth participants can be those who have a low-income eligibility requirement (in-school youth or out-of-school youth in Category 3 or 8) but are not low income.

Limitation on in-school youth requiring additional assistance. In any single program year, no more than 5 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 (Category 7).

Excludable Income

If the payment cannot meet one of the excludable criteria, then the payment will be includable income. If payment is a one-time lump sum, it is generally excludable. If it is in monthly installments, then it is includable.

- Social Security Disability
- Public assistance payments (including TANF, SSI, RCA, GA, emergency assistance money payments, and general relief money payments)
- Foster childcare payments
- Financial assistance under Title IV of Higher Ed. Act (such as Pell, federal supplemental educational opportunity grants & federal work study. Stafford & Perkins loans, debt – not income. Needs-based scholarship assistance)
- Allowances, earnings, and payments (e.g. OJT) to individuals participating in WIOA.
- 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)
- Trade Readjustment Allowance (TRA)
- Workforce Training Assistance
- Job Corp
- 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.

- Military Related:
 - All pay and/or financial allowances earned while on active duty are exempt [38 U.S.C. 4213 items (1) and (3)]:
 - Disability pension benefits or lump-sum payments at time of separation for unused leave. TEGL 10-09 Q & A # 17
 - Financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code: CH 11 – Compensation for service connected disability or death, CH 13 – Dependency and indemnity compensation for service-connected death, CH 30 – All-volunteer force education assistance, CH31 – Training and Rehabilitation for veterans with service-connected disabilities CH 35 – Survivors’ and dependents’ education assistance, CH 36 – Administration of educational benefits

Includable Income

If the payment cannot meet one of the excludable criteria, then the payment will be includable income. If payment is a one-time lump sum, it is generally excludable. If it is in monthly installments, then it is includable.

Money, wages, and salaries before any deductions

- Unemployment insurance, child support payments and old-age survivors insurance
- Net receipts from non-farm self-employment (recipients from a person’s own unincorporated business, professional enterprise, or partnership after deductions for business expense)

New 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
- Pensions whether private, government employee, 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
- Military Pensions:
 - Pension payments authorized by Title 10 U.S. Code as those received by military retirees whether or not their retirement was based on disability
 - Pension benefits paid under Chapter 15 of Title 38 U.S. Code

Any discrepancies arising between PacMtn policy and or procedures with federal and state provisions due to current or future revisions will default to the current minimum federal and state regulations and guidance available. PacMtn

policy and or procedures may set forth stricter requirements than provided by federal and state guidance, but in no case will PacMtn policy and or procedures not meet minimum federal and state policy.

Definitions

NA

References

Workforce Innovation and Opportunity Act of 2014

WIOA Final Rule; 20 CFR Parts 676,677, and 678; Federal Register, Vol. 81 No. 161 August 19, 2016

WIOA Final Rule; 20 CFR Parts 603, 651, 652, et al; Federal Register Vol. 81 No. 161 August 19, 2016

Training and Employment Guidance Letters (TEGL's) 23-14 and 08-15

WorkSource System Policy 1019 (Rev12) – Eligibility Policy and Handbook

WIOA Title I-B Policy 5602 (Rev5) – Supportive Services & NRPs

WIOA Title I-B Policy 5620 (Rev1) – Follow-Up Services

Procedure #3.2.1-P

PacMtn – WIOA Youth Income Guidelines

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