

**SOUTHWESTERN AREA  
WORKFORCE DEVELOPMENT BOARD**

**Youth Activities and Eligibility  
Policy 18-04.2**

**Effective Date**

April 11, 2024

**Applicability**

This applies to the Southwestern Area Workforce Development Board (SAWDB), providers of the Workforce Innovation and Opportunity Act (WIOA) youth training and employment services.

**Purpose**

To support in-school youth (ISY) and out-of-school youth (OSY) by providing high-quality services beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training, such as pre-apprenticeships or internships for in-demand industries and occupations and culminating with employment, enrollment in post-secondary education, or a registered apprenticeship. TEGL 23-14.

This policy is to provide guidance for determining the eligibility of individuals to be enrolled and provided services through the WIOA Youth Program. To provide guidance on the use of self-attestation as a last resort when other documentation cannot be found or accessed.

**References**

20 CFR 677.150(b)	CFR 681.590(a)	WIOA 3(59)
20 CFR 680.700	TEGL 8-15	WIOA 24-002
20 CFR 681.210	TEGL 9-12	WIOA 116(b)(2)(A)(ii)
20 CFR 681.220	TEGL 09-22(c)	WIOA 123
20 CFR 681.260	TEGL 10-16	WIOA 129 (a)(1)
20 CFR 681.460(a)(2)	TEGL 10-23	WIOA 129 (3)(A)(ii)
20 CFR 681.570	TEGL 21-16	WIOA 129 (3)(B)
20 CFR 681.630	TEGL 23-14	WIOA 129 (c)(2)
CFR 680.400	WIOA 3(36)(A)(vi)	WIOA 188 (a)(5)
CFR 680.410	WIOA 3(44)	WIOA 189 (h)
CFR 681.410		

## Background

These funds are used to develop WIOA youth programs to improve the long-term prospects of young people, giving them basic educational, occupational and citizenship skills. Local communities collaborate and establish partnerships, bringing together local workforce training providers, schools, human services, housing organizations, and other entities to create community assistance strategies.

## Program Design

The primary focus of WIOA youth services is to support the educational and career success of out-of-school youth. A minimum of 75 percent of the Youth funds allocated to States and local areas, except for the local area expenditures for administration, MUST be used to provide services to OSY. It creates opportunities for youth that move beyond traditional employment and training services and infuses such principles as preparation for post-secondary education and employment opportunities, linkages between academic and occupational learning, connections to the local job market, and needed follow-up services for youth served under the Act. Work experience is a critical element to the WIOA program. A minimum of 20% of non-administrative local area funds will be used for work experience. [CFR § 681.590(a)] Paid and unpaid work experience may include: summer employment opportunities, other employment opportunities throughout the school year, pre-apprenticeship programs, internships, job shadowing, and on-the-job training.

## Eligibility Documentation Requirements

Each LWDB (Local Workforce Development Board) is required to collect supporting eligibility documentation used to determine eligibility. WIOA establishes strict participant eligibility, priorities, and requirements for participation to account for the proper use of Title I funds. Documentation is required to be obtained for each eligibility data element as outlined in the comprehensive checklist of allowable forms of eligibility documentation. A standard for electronic files (e-file) has been established that includes paperless registration, eligibility determination, and program enrollment. All program enrollments are required to be completed in an e-file format. Physical evidence such as copies of documents, completed telephone verification/document inspection forms, and signed self-attestation forms will be maintained in participant files. Local boards must ensure all information or documentation stored in an electronic document management system is backed up routinely. The crash of a computer system is not a valid excuse for loss of information.

Self-attestation use for documenting eligibility should be used as a method of last resort when no other source of documentation can be found or accessed, or that may cause an undue hardship for individuals to obtain. The key elements for self-attestation are: the participant identifying his or her status for permitted elements; and signing and dating a form attesting to this self-identification. The form and signature can be on paper or in the New Mexico Jobs online system (NMJobs), with an online signature. Self-attestation can also be used to clarify documentation that is considered insufficient by itself. **A self-attestation cannot be used to document the basic WIOA eligibility data elements of right to work, selective service, or age.** To assist in determining when it is appropriate to use self-attestation, consult with your local program coordinator if the data element in question is not addressed in this policy.

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### Eligibility Criteria

WIOA Section 129 (a)(1) establishes the eligibility criteria that an individual must meet to participate in the WIOA Youth Program. Every individual receiving services under the WIOA Youth Program must meet either the In-School Youth (ISY) or Out-of-School Youth (OSY) eligibility criteria to enroll in the program. Each of the following eligibility elements must be documented for each participant prior to the receipt of a staff-assisted career service with significant staff involvement, or individualized customized service. To be eligible to receive WIOA youth services, an individual must:

- A. Be a citizen or non-citizen authorized to work in the United States.
- B. Provide documentation of Age/Date of Birth.
- C. Comply with the Selective Service Act Requirements (males only) as required by WIOA section 189 (h); If an individual is enrolled into WIOA youth services at age 17, they must register into Selective Service immediately upon turning age 18; and
- D. Be an ISY between the ages of 14 and 21 years or an OSY between the ages of 16 and 24 years at time of enrollment in WIOA.

Under WIOA as defined in 20CFR 681.210, an Out of School Youth (OSY) is an individual who is:

- A. Not attending any school.
- B. Not younger than 16 or older than 24 at the time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program; and
- C. One or more of the following barriers apply:
  - a. A school dropout,
  - 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, based on local school definitions,
  - c. 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,
  - d. An offender, an individual who has been subject to any stage of the criminal justice process,
  - e. A homeless individual aged 16-24, a homeless child aged 16-24, or a runaway aged 16-24,
  - f. An individual who is in foster care or has aged out the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or an individual who is an out-of-home placement,
  - g. An individual who is pregnant or parenting,
  - h. An individual with a disability, or
  - i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

Note: A youth may be considered OSY for the purposes of eligibility if they are attending Adult Education provided under Title II of WIOA, Youth Build, or Job Corps. Further definition of these terms can be found in TEGL 23-14.

Under WIOA, as defined in 20 CFR 681.220, an In-School Youth (ISY) is an individual who is:

- a. Attending school, including secondary and post-secondary school;
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- b. Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than age 21 at the time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 21 once they are enrolled in the program;
- c. A low-income individual; and
- d. One or more of the following:
  - i. Basic skills deficient,
  - ii. An English language learner,
  - iii. An offender, an individual who has been subject to any stage of the criminal justice system,
  - iv. A homeless individual, a homeless child or youth aged 14 to 21 years, or a runaway,
  - v. An individual who is in foster care or has aged out of the foster care system or who has attained 16 years of age and left foster care for kinship guardianship or adoption, a child eligible for assistance under section 477 of the Social Security Act, or an individual who is an out-of-home placement,
  - vi. An individual who is pregnant or parenting,
  - vii. An individual with a disability,
  - viii. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. (see Local Workforce Policy 18-03.1 Youth Additional Assistance Policy)

### Assessments

The WIOA youth program 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, supportive service needs, and developmental needs. Assessments must also consider a youth's strengths rather than just focusing on areas that need improvement.

NOTE: A new assessment of a participant is not required if a recent assessment has been made in the last six (6) months as part of another education or training program, but updated as appropriate.

- A. **Basic Skills:** An objective assessment will be conducted to include a review of basic skills. It is not required to use assessments approved for use in the Department of Education's National Reporting System (NRS), nor is it required to determine an individual's grade level equivalent or educational functioning level (EFL), although use of these tools is permitted. Other formalized testing instruments designed to measure skills-related gains may be used. It does need to be valid, reliable, appropriate, fair, cost-effective, easy to administer, and interpret results.

If you are measuring EFL gains AFTER enrollment under the measurable skill gains indicator, you must use an NRS-approved assessment for both the EFL pre- and post-test to determine an individual's educational functioning level.

- B. **Career-Related Assessments:** All youth can benefit from participation in career assessment activities, including assessment of prior work experience, employability, interests, and aptitudes. The Career assessment helps youth understand how a variety of their personal attributes (e.g., interests, values, preferences, motivations, aptitudes, and skills) affect their
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potential success and satisfaction with different career options and work environments. Youth need access to reliable information about career opportunities, based on labor market information, which provides a living wage, including information about education, entry requirements, and income potential.

Youth with disabilities also need information on benefits planning, workplace supports and accommodations. This group may also benefit from less formalized career-related assessments, such as discovery techniques. These assessments may be provided directly through WIOA youth program staff, and/or through referrals to national and community-based partners and resources.

- C. **Individual Employment Plan (IEP):** An IEP will be developed to outline a service strategy to identify educational training, employment goals, appropriate achievement objectives, and appropriate services for the participant based on the results of the assessment. The IEP will be a joint effort between the youth and the youth program provider. When appropriate, the IEP should include specific literacy and numeracy goals, as well as steps for attainment of the desired goals. A new service strategy for a participant is not required if the provider determines a recent service strategy developed for the participant under an existing education or training program is still valid and all the required elements have been addressed.
- D. **Serving 18-24-Year-Old Youth:** To adequately serve 18- to 24-year-old youth, consideration can be given to enroll them to participate in WIOA Title I adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local providers may determine the best mix of services under both programs.

School status at the time of enrollment may determine which program options are appropriate for this population because young adults who are in school are only eligible for the Title I youth program if they are 21 or younger at the time of enrollment.

Some 18-24-year-olds may be ready for adult services based on life experiences, prior work experiences, adult schedules, family responsibilities, and individual needs. Others need specific youth services covered in the 14 WIOA youth program elements, such as maturity, drug and alcohol abuse, homelessness, foster care status, family abuse/neglect, career readiness, literacy, and supportive service needs.

### **Determining School Status**

For the Purpose of determining ISY and OSY eligibility, a youth is “attending school” if, at the time the eligibility determination portion of program enrollment in WIOA is made, the young person:

- A. Is enrolled in a school, including any of the following:
  - a. Public school,
  - b. Charter school,
  - c. Private school, or
  - d. Disciplinary alternative education program (DAEP),
  - e. Is homeschooled,
  - f. Is attending high school equivalency programs funded by the K-12 system,

- g. Is a high school graduate who has registered for postsecondary classes, even if not yet attending postsecondary classes,
  - h. Is attending postsecondary school classes, or
  - i. Is in between postsecondary school semesters and has registered for classes for a future semester or had paid all or part of the tuition for a future semester.
- B. The following programs are not considered “school” under WIOA:
- a. Adult education provided under Title II of WIOA
  - b. Youth Build Programs
  - c. Job Corps programs
  - d. High school equivalency programs (not funded by the public K-12 system)
  - e. Dropout re-engagement programs

Note: Once the school status of a youth is determined, that school status remains the same until exit from the WIOA youth program.

The local provider must identify and track the funding streams that pay the costs of services provided to participants who are enrolled in both programs concurrently and ensure no duplication of services.

C. ISY Exceptions and Limitations

- a. Additional Assistance Limitation – In each local area, not more than 5 percent of the ISY assisted under this section may be eligible under “individual who requires additional assistance” to complete an education program or to secure or hold employment. (WIOA §129(3)(B))
- b. SAWDB must ensure 5 percent is tracked in NMJobs appropriately.
- c. Low-Income Exception – Not more than 5 percent of the ISY assisted can be individuals that are not low income WIOA §129(3)(A)(ii)

D. OSY Exceptions and Limitations

- a. Low-Income Exception – Not more than 5 percent of OSY individuals in the following categories can be considered eligible and not meet the low-income criteria:
  - i. A recipient of secondary school diploma or its recognized equivalent who is low-income and is basic skills deficient or an English language learner.
  - ii. A low-income individual and requires additional assistance to enter or complete education program or to secure or hold employment may not be low-income individuals. WIOA §129(3)(A)(ii).
  - iii. Co-enrollment Provision – Individuals ages 18 through 24 may be eligible for both adult and Youth programs if they meet the respective eligibility requirements for both programs.
  - iv. Authorization to Work – Authorization to work in the United States can be verified through eligibility for UI benefits.
  - v. Nondiscrimination – WIOA Section 188(a)(5) contains a specific nondiscrimination provision that provides that participant under the WIOA is available to citizens and nationals of the United States; lawfully admitted permanent resident aliens, refugees, asylees or parolees; and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization qualify under this provision as “immigrants

authored by the Attorney General to work in the United States.” This includes “Deferred Action for Childhood Arrivals” (DACA).

Note: All eligibility and miscellaneous documents will need to be scanned using the New Mexico Jobs online system. Documents need to be named correctly using the most recent Document Tag List.

### Low-Income Eligibility Exceptions

- A. A youth who lives in a high poverty area is automatically considered to be a low-income individual. A high poverty area is a Census tract, a set of contiguous Census tracts, an American Indian Reservation, or other tribal land as defined by the Secretary in guidance or county that has a poverty rate of at least 25 percent as set every 5 years using American Community Survey 5-year data. 20 CFR 681.260 and EDA-Census Poverty Status Viewer.
- B. Beginning July 1, 2023, New Mexico passed SB4, which offers free school meals to all students. Therefore, free, or reduced lunch **cannot** be used to verify low income. (Hunger-Free Healthy Students’ Bill of Rights Act).
- C. An individual's disability income eligibility is based on their own income, not family income. According to WIOA sec 3(36)(A)(vi), individuals with disabilities whose income meets low-income criteria can qualify for youth services, even if their family’s income exceeds the threshold. However, only In-School Youth (ISY) with disabilities must meet low-income requirements, whereas Out-of-School Youth (OSY) with disabilities are exempt from this condition.

### Program Elements Required Under WIOA Section 129 (c)(2) and CFR 681.410 and TEGL 21-16

- A. **Tutoring, study skills training, instruction, and evidence-based dropout prevention services and recovery strategies:** This element will lead to completion of the requirements for a secondary school diploma or its recognized equivalent or for a recognized post-secondary credential.

Achievement of a high school diploma is reported under this element. Such services focus on providing academic support, helping a youth identify areas of academic concern, assisting with overcoming learning obstacles, and providing tools and resources to develop learning strategies. These can be provided one on one, in a group setting, through resources and workshops.

Secondary school dropout prevention strategies intended to lead to a high school diploma are reported under this element. These strategies include services and activities that keep a young person in school and engaged in a formal learning and/or training setting. This can include tutoring, literacy development, active learning experiences, after-school opportunities, and individualized instruction.

For documentation purposes, those services aimed at getting a youth who has dropped out of secondary education back into a secondary school or an alternative secondary school/high school equivalency program and preparing them for high school equivalency attainment, should be counted under program element 2. (20 CFR § 681.460(a)(2)). Furthermore, while the statutory and regulatory language for both program elements 1 and 4 include language discussing services leading to recognized post-secondary credentials,

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training services that lead to recognized post-secondary credentials should be reported under program element 4, occupational skills training to avoid duplicated reporting services.

- B. **Alternative secondary school services or drop-out recovery services:** Alternative secondary school services, such as basic education skills training, individualized academic instruction, and English as a second language training, are those that assist youth who have struggled in traditional secondary education. Drop-out recovery services, such as credit recovery, counseling, and educational plan development, are those that assist youth who have dropped out of school. While the activities within both types of services may overlap, each are provided with the goal of helping youth to re-engage and persist in education that leads to the completion of a recognized high school equivalent.
- C. **Paid and unpaid work experience:** Work experience is defined as a “planned, structured learning experience that takes place in a workplace for a limited period of time.” The maximum hours for Work Experience are 720 hours. It may take place in the private for-profit sector, the non-profit sector, or the public sector. Funds provided for work experiences may not be used to directly or indirectly aid in the filling of a job opening that is vacant because the former occupant is on strike or is being locked out during a labor dispute involving a work stoppage.

Virtual work experiences are allowable under the WIOA youth program. With COVID-19 pandemic, virtual services, such as virtual work experiences, became necessary. Virtual work experiences can offer more flexibility and broaden work experience opportunities, particularly in rural areas. They can also promote equity and access for youth that might not otherwise have the opportunity for certain types of work experiences. Therefore, local WIOA Youth programs are permitted to continue to provide virtual work experiences beyond the COVID-19 pandemic. And while WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical. (TEGL 09-22 (c))

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. Local area administrative costs are not subject to the 20 percent minimum work experience expenditure requirement. Leveraged resources cannot be used to fulfill any part of the 20 percent minimum.

Allowable expenditures that may be counted toward the work experience expenditure requirement can be more than just wages paid to youth in work experience.

Allowable work experience expenditures include the following:

- a. Wages/stipends paid for participation in a work experience,
  - b. Staff time working to identify and develop a work experience opportunity, including staff time spent working with employers to identify and develop work experience,
  - c. Staff time spent working with employers to ensure a successful work experience, including staff time spent managing the work experience,
  - d. Staff time spent evaluating the work experience,
  - e. Participant work experience orientation sessions,
  - f. Employer work experience orientation sessions,
  - g. Classroom training or the required academic education component directly related to the work experience,
  - h. Incentive payment directly tied to the completion of work experience, and
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i. Employability skills/job readiness training to prepare youth for a work experience

Reporting and Expenditures for Pre-Apprenticeship (TEGL 09-22 (g))

WIOA and 20 CFR § 681.590(a) require that a minimum of 20 percent of local area funds for the Title I Youth program be spent on work experience. TEGL Nos. 8-15 and 21-16 provide further discussion of allowable expenditures that may be counted toward the work experience expenditure requirement and articulate that program expenditures on the work experience program element can be more than just wages paid to youth in work experience. An important reminder is that expenditures for pre-apprenticeships count toward the work experience expenditure requirement. In addition, if the pre-apprenticeship program includes an occupational skills training component, separate from the work experience, WIOA Youth programs may report pre-apprenticeship under both the work experience program element and the occupational skills training program element. Also, while not explicitly listed in WIOA as a type of work experience, WIOA Youth expenditures related to Registered Apprenticeship programs count toward the minimum work experience expenditure requirement.

**Supportive Services** are a separate program element and cannot be counted toward the work experience expenditure requirement even if supportive services assist the youth in participating in the work experience.

**Work experience** must include academic and occupational education. This may occur inside or outside the work site and may occur concurrently or sequentially with work experience. The work experience employer can provide the academic and occupational component or can be a combination of classroom, through work or other available means.

**Academic and occupational education** refers to contextual learning that accompanies a work experience. For instance, if a youth is in a hospital setting, an example of occupational education would be to introduce them to the other positions within the hospital settings. The academic portion would explain why a blood test is needed for a patient, what is the name of a specific bone in the body, or the function of a particular ligament.

WIOA recognizes four categories of work experience:

- a. Summer employment opportunities and other employment opportunities throughout the school year,
- b. Pre-apprenticeship programs,
- c. Internships and job shadowing, and
- d. On-the-job training (OJT) as defined in WIOA Section 3(44) and in 20 CFR § 680.700.

D. **Occupational Skills Training:** This is an organized program of study that provides specific vocational skills that lead to proficiency in performing actual tasks and technical functions required by certain occupational fields at entry, intermediate, or advanced levels. Such training must:

- a. Be outcome-oriented and focused on an occupational goal specified in the individual service strategy.
  - b. Be of sufficient duration to impart the skills needed to meet the occupational goal; and
  - c. Lead to the attainment of a recognized post-secondary credential.
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In addition, the chosen occupational skills training must meet the quality standards in WIOA Section 123.

To enhance individual participant choice in education and training plans, and provide flexibility to service providers, use WIOA Individual Training Accounts (ITAs) for OSY, ages 16-24 using WIOA youth funds, is allowed when appropriate. To receive funds from an ITA, the training provider must be on the Eligible Training Provider list as outlined in § 680.400 and § 680.410.

ISY youth cannot use youth program funded ITAs. However, ISY between the ages of 18 and 21 may co-enroll in the WIOA Adult program if the young adult's individual needs, knowledge, skills, and interests align with the WIOA adult program and may receive training services through an ITA funded by the adult program.

- E. **Education offered concurrently with workforce preparation and training for a specific occupation:** 20 CFR § 681-630 states this element reflects an integrated education and training model and describes how workforce preparation activities, basic academic skills, and hands-on occupational skills training are taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. While programs developing basic academic skills (element 2), workforce preparation activities (element 3), and occupational skills training (element 4) can all occur separately and at different times (thus counted under separate program elements), this element refers to the concurrent delivery of these services which make up an integrated education and training model.
- F. **Leadership development opportunities:** This element is designed to encourage responsibility, confidence, employability, self-determination, and other positive social behaviors such as:
- a. Exposure to post-secondary educational possibilities,
  - b. Community service and learning projects,
  - c. Peer-centered activities, including peer mentoring and tutoring,
  - d. Organizational and teamwork training, including team leadership training,
  - e. Training in decision-making, including determining priorities,
  - f. Citizenship training, including life skills training such as parenting and work behavior training,
  - g. Civic engagement activities to promote the quality of life in a community, and
  - h. Other leadership activities that place youth in a leadership role such as serving on youth leadership committees.
- G. **Supportive Services:** Supportive services for youth are defined in 20 CFR § 681.570 in WIOA Sec. 3(59). These services enable an individual to participate in WIOA activities and they include, but are not limited to:
- a. Linkages to community services,
  - b. Assistance with transportation,
  - c. Assistance with childcare and dependent care,
  - d. Assistance with housing,
  - e. Needs-related payments,
  - f. Assistance with educational testing,
  - g. Reasonable accommodations for youth with disabilities,
  - h. Legal aid services,
  - i. Referrals to health care,
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- j. Assistance with uniforms or other appropriate work attire and work-related tools, including eyeglasses and protective eye wear,
  - k. Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes, and
  - l. Payment and fees for employment and training-related applications, tests, and certifications.
- H. **Adult mentoring:** May take place both during the program and following exit from the program and must last at least 12 months. It must be a formal relationship between a youth participant and an adult mentor that includes structured activities, guidance, support, and encouragement to develop the competence and character of the youth. At a minimum, group mentoring activities and electronic means are allowable. However, the program must match the youth with an individual mentor to interact on a face-to-face basis. Mentoring can also include workplace mentoring.

In cases where finding a mentor presents a burden to the program, case managers can serve in this capacity.

- I. **Follow-up services:** Provides a critical step in following a youth's exit from the program to ensure the youth is successful in employment and/or post-secondary education and training. The follow-up may include regular contact with a youth participants employer, including assistance in addressing work-related problems that arise. Follow-up services begin immediately following the last expected date of service in the Youth program when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.

The exit date is determined when the participant has not received services in the Youth program of any other DOL funded program in which the participant is co-enrolled for 90 days and no additional services are scheduled. At that point, the date of exit is applied retroactively to the last day of service. Once 90 days of no services, other than follow-up, self-service, and information-only services and activities, has elapsed and an official exit date has been established, the program continues to provide follow-up services for the remaining 275 days of the 12-month follow-up requirement, completion taking place 12 months one year from the exit date.

Follow-up services may include:

- a. Supportive Services,
  - b. Adult mentoring,
  - c. Financial literacy education,
  - d. Providing labor market and employment information about in-demand sectors, career awareness, career counseling, and career exploration services, and
  - e. Activities that prepare youth for and transition to post-secondary education and training.
  - f. These elements must be coded as follow-up services to clearly differentiate follow-up services from those services provided prior to exit. They should be documented in the case file that they were provided as follow-up services POST exit.
  - g. All youth participants must be offered an opportunity to receive follow-up services that align with their individual service strategies. If the youth cannot be located for follow-up or if they opt out of the service, the 12-month follow-up requirement does
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not apply. There must be more than one documented contact attempted or made for securing documentation to report a performance outcome. If the youth opts out of the follow-up it must be documented in the case file.

- J. **Comprehensive Guidance and Counseling:** Guidance and counseling will be individualized to the participant. It includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. If a referral is made, coordination with the organization is necessary to ensure continuity of service. If the local program offers these services, counseling services can be provided directly to the participant rather than to refer to another organization.
- K. **Financial Literacy Education:** This may include the following activities:
- a. Support the ability of participants to create budgets, initiate checking and savings accounts at banks, and make informed financial decisions.
  - b. Support participants in learning how to effectively manage spending, credit, and debt, including student loans, consumer credit, and credit cards.
  - c. Teach participants about the significance of credit reports and scores, what their rights are regarding their credit and financial information, how to determine the accuracy of a credit report, how to correct inaccuracies, and how to maintain good credit.
  - d. Support a participant's ability to understand, evaluate and compare financial products, services, and opportunities, and to make informed financial decisions.
  - e. Educate participants about identity theft, ways to protect themselves, and how to resolve cases of identity theft and understand their rights and protections related to personal identity and financial data.
  - f. Support activities that address the financial literacy of youth with disabilities, including connecting them to benefits planning and work incentive counseling.
  - g. Support activities that address the financial literacy needs of non-English speakers, including providing the support through the development and distribution of multilingual financial literacy and education materials, and
  - h. Providing customized financial education that is high quality, age appropriate, timely, relevant, provides opportunities to put lessons into practice, and to help youth gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability.
- L. **Entrepreneurial Skills Training:** To develop the skills associated with starting and operating a small business. Such skills may include the ability to:
- a. Take initiative,
  - b. Creatively seek out and identify business opportunities,
  - c. Develop budgets and forecast resource need,
  - d. Understand various options for acquiring capital and the trade-offs associated with each option, and
  - e. Communicate effectively and market oneself and one's ideas.
- Approaches to teach this skill may include:
- i. Education to introduce the values and basics of starting and running a business, development of a business plan, and simulations of business start-up and operation;
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- ii. Provide support and services to incubate their own business, access to small loans or grants, and individualized attention to the development of viable business ideas; and
  - iii. Experiential programs to provide youth with experience in the day-to-day operations of a business. It can include development of a youth-run business that youth participating in the program work in and manage. Placement in apprentice or internship positions with adult entrepreneurs in the community.
- M. **Services that provide labor market information:** To impart to youth the body of knowledge that describes the relationship between labor supply and demand and how it relates to the job market in the local community. This may include career awareness, career counseling, career exploration services, and identifying an in-demand occupation that is of interest to the youth. Career counseling may include resume preparation, interview skills, opportunities for job shadowing, and the long-term benefits of post-secondary education and training. One tool to use is labor market information (LMI). In addition to identifying in-demand occupations, it details job market expectations including education, skill requirements, longevity, and potential earnings.
- N. **Post-secondary preparation and transition activities:** These activities prepare both ISY and OSY for advancement to post-secondary education and training after attainment of a high school diploma or recognized equivalent. This could include technical training schools, community colleges, four-year colleges and universities, and registered apprenticeship. Other activities may include assisting youth to prepare for SAT/ACT testing, college admission applications, searching for and applying for scholarships and grants, filling out the proper Financial Aid applications and adhering to changing guidelines, and connecting youth to post-secondary education programs.

NOTE: Documenting receipt of program elements is critical to ensure youth who are actively participating in programs are not unintentionally exited due to 90 days of no service. All 14 WIOA youth elements are contained in the PIRL and services received must be reported in the applicable program element. Case management is not considered a program element.

**Performance Measures:** Measuring the success and overall effectiveness of youth programs is a critical but challenging responsibility. Local boards will consider the overall goals of the program and demonstrate that funded activities lead to outcomes which contribute to these goals. Under waiver authority, New Mexico replace the statutory performance measures with common measures. Local boards and service providers will monitor common measures, output, and additional outcomes to evaluate program effectiveness.

- A. Common measures for youth consist of three measures:
  - a. Placement in employment or education
  - b. Attainment of a degree or certificate
  - c. Literacy/Numeracy measurement
- B. Output measures are evidence that a service has been provided. Participation by itself is an output. For example, “sixty percent of youth will be engaged in community service projects” indicates an activity took place. It is an indication that the program provided service. Output alone does not demonstrate the success of a program.

- C. Outcome is a measure of the change that occurs in a participant because of program activities. Attaining a skill is an example of such a change. Programs should specify a benchmark of the number or percentage of participants who achieve a particular outcome.

**Performance Accountability:** Under section 116(b)(2)(A)(ii) of WIOA, there are six primary indicators of performance for youth:

- A. **Employment/Education/Training Rate-2nd Quarter After Exit:** The percentage of participants who are in education or training activities, or in unsubsidized employment during the second quarter after exit from the program.
  - B. **Employment/Education/Training Rate-4th Quarter After Exit:** The percentage of participants who are in education or training activities, or in unsubsidized employment during the fourth quarter after exit from the program.
  - C. **Median Earnings-2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program.
  - D. **Credential Attainment:** The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized post-secondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent, is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent, only if the participant also is employed or is enrolled in an education or training program leading to a recognized post-secondary credential within one year after exit from the program.
  - E. **Measurable Skill Gains:** The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized post-secondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:
    - a. Documented achievement of at least one educational function level of a participant who is receiving instruction below post-secondary education level;
    - b. Documented attainment of a secondary school diploma or its recognized equivalent; secondary or post-secondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;
    - c. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is conducting training; or
    - d. Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.
  - F. **Effectiveness in Serving Employers:** This is a workforce system measure and is not specific to the WIOA youth program alone. DOL is piloting three approaches designed to gauge three critical workforce needs of the business community.
    - a. Approach 1: Retention with the same employer-addresses the programs' efforts to provide employers with skilled workers.
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- b. Approach 2: Repeat business customers-addresses the programs' efforts to provide quality engagement and services to employers and sectors and establish productive relationships with employers and sectors over extended periods of time.
- c. Approach 3: Employer penetration rate-addresses the programs' efforts to provide quality engagement and services to all employers and sectors within a State and local economy.

Additional information on performance indicators and reporting can be found in TEGL No. 10-16 at: <https://wdr.doleta.gov/directives>

### **Selection of Service Providers**

Youth service providers will be competitively procured in accordance with local, state, and federal procurement practices. Acceptable local procurement practice cannot be less restrictive than Federal or State requirements in the awarding of grants or contracts. In no instance will a local procurement process violate New Mexico procurement policies.

### **Inquiries**

Questions related to this policy should be directed to the Administrative Entity at (575) 744-4857.

### **Attested**

This policy was reviewed and approved by the SAWDB on April 11, 2024.

*Alisa Estrada*

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SAWDB Chair

**Attachment A: Eligibility Documentation Requirements:**

DATA ELEMENT NAME	SOURCE DOCUMENTATION (one of the following)
Basic Skills Deficient/Low Levels of Literacy at Program Entry	<ul style="list-style-type: none"> <li>• Assessment Test Results</li> </ul>
<p>Citizenship/Alien Status/Right to work in the US (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>• An unexpired Employment Authorization Document that contains a Photograph (Form I-766)</li> <li>• An unexpired foreign passport with a temporary I-551 stamp</li> <li>• 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, as long as 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>• Certification of Birth Abroad (Form DS-1350) issued by the Department of State</li> <li>• Certificate of Degree of Indian Blood</li> <li>• DD-214, Report of Transfer or Discharge (if place of birth is shown)</li> <li>• Hospital Record of Birth</li> <li>• I-9 complete including signature by authorized employer or designee</li> <li>• Native American Tribal Document</li> <li>• Naturalization Certification</li> <li>• 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>• Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>• Public Assistance/Social Service Records</li> <li>• Social Security Card and REAL ID 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, work permit or doctor/hospital record with signed Social Security Card.)</li> <li>• T-visa issued to victims of human trafficking (See TEGL 09-12)</li> </ul>

<p>Citizenship/Alien Status/Right to work in the US (1 is required) cont'd</p>	<ul style="list-style-type: none"> <li>• Unexpired US Citizen ID card (Form I-197)</li> <li>• U.S. Passport (unexpired or expired)</li> </ul>
<p>Date of Birth</p>	<ul style="list-style-type: none"> <li>• Baptismal Record</li> <li>• Birth Certificate</li> <li>• Crossmatch With State Agency Records</li> <li>• DD-214</li> <li>• Driver's License</li> <li>• Family Bible</li> <li>• Federal, State, Local, Or Tribal Identification Card</li> <li>• Hospital Record of Birth</li> <li>• Justice System Records</li> <li>• Medical Records</li> <li>• Passport</li> <li>• Public Assistance/Social Service Records</li> <li>• Report Of Transfer or Discharge Paper</li> <li>• School Records or ID Cards</li> <li>• Selective Service Registration</li> <li>• Self-Attestation</li> <li>• Signed Letter from A Parent or Guardian</li> <li>• Work Permit</li> </ul>
<p>English Language Learner at Program Entry</p>	<ul style="list-style-type: none"> <li>• Applicable Records from Education Institution (Transcripts, Or Other School Documentation)</li> <li>• Assessment Test Results</li> <li>• Case Notes</li> <li>• Internal or external partner's Individual Service Strategy</li> </ul>

English Language Learner at Program Entry cont'd	<ul style="list-style-type: none"> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Self-Attestation</li> </ul>
Ex-Offender Status at Program Entry	<ul style="list-style-type: none"> <li>• Case Notes</li> <li>• Documentation From the Juvenile or Adult Criminal Justice System</li> <li>• Federal Bonding Program Application</li> <li>• Internal or external partner's Individual Service Strategy</li> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Internal or external partner's Needs Assessment</li> <li>• Referral Transmittal from A Reintegration Agency</li> <li>• Self-Attestation</li> <li>• Written Statement or Referral Document from A Court or Probation Officer</li> </ul>
Foster Care Youth at Program Entry	<ul style="list-style-type: none"> <li>• Case Notes</li> <li>• Foster Care Agency Referral Transmittal</li> <li>• Internal or external partner's Individual Service Strategy</li> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Self-Attestation</li> <li>• Written Confirmation from Social Services Agency</li> </ul>
Homeless Participant, Homeless Children and Youths, Or Runaway Youth at Program Entry	<ul style="list-style-type: none"> <li>• A Letter from a Caseworker or Support Provider</li> <li>• Case Notes</li> <li>• Internal or external partner's Individual Service Strategy</li> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Internal or external partner's Needs Assessment</li> <li>• Self-Attestation</li> <li>• Written Statement or Referral Transmittal from A Shelter or Social Service Agency</li> </ul>

<p>Individuals With a Disability</p>	<ul style="list-style-type: none"> <li>• Assessment Test Results</li> <li>• School Individualized Education Program (IEP) Record</li> <li>• School 504 Records Provided by Student</li> <li>• Self-Attestation</li> </ul>
<p>Low Income Status at Program Entry</p>	<ul style="list-style-type: none"> <li>• Award Letter from Veteran’s Administration</li> <li>• Bank Statements</li> </ul>
<p>For Youth Living in a High Poverty Area: Case notes documenting High Poverty Area status.</p>	<ul style="list-style-type: none"> <li>• Compensation Award Letter</li> <li>• Copy Of Authorization to Receive Cash Public Assistance</li> <li>• Copy Of Public Assistance Check</li> <li>• Court Award Letter</li> <li>• Crossmatch With Public Assistance Records</li> <li>• Crossmatch With Refugee Assistance Records</li> <li>• Crossmatch With UI Wage Records</li> <li>• Employer Statement/Contact</li> <li>• Family Or Business Financial Records</li> <li>• Housing Authority Verification</li> <li>• Pay Stubs</li> <li>• Pension Statement</li> <li>• Public Assistance Eligibility Verification</li> <li>• Quarterly Estimated Tax for Self-Employed Persons</li> <li>• Self-Attestation</li> <li>• Social Security Benefits</li> <li>• Unemployment Insurance (UI) Claim Documents</li> </ul>

<p>Pregnant Or Parenting Youth</p>	<ul style="list-style-type: none"> <li>• Case Notes</li> <li>• Internal or external partner’s Individual Service Strategy</li> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Internal or external partner’s Needs Assessment</li> <li>• Self-Attestation</li> <li>• Temporary Assistance for Needy Families (TANF) Single Parent Eligibility Verification</li> <li>• Women, Infant and Children (WIC) Eligibility Verification</li> </ul>
<p>School Status</p>	<ul style="list-style-type: none"> <li>• Applicable Records from Education Institution (Electronic Records, GED Certificate, Diploma, Attendance Record, Transcripts, Drop Out Letter, School Documentation)</li> <li>• Case Notes</li> <li>• Self-Attestation</li> </ul>
<p>Selective Service                   Selective Service cont’d</p>	<ul style="list-style-type: none"> <li>• Acknowledgement Letter from Selective Service</li> <li>• DD-214 - Certificate of Release or Discharge from Active Duty</li> <li>• Screen printout of the On-line verification at <a href="http://www.sss.gov">www.sss.gov</a></li> <li>• Selective Service Registration Card</li> <li>• Selective Service Verification Form (Form 3A)</li> <li>• Stamped Post Office Receipt of Registration</li> </ul>
<p>Single Parent at Program Entry</p>	<ul style="list-style-type: none"> <li>• Internal or external partner’s Needs Assessment</li> </ul>
<p>Youth Who Need Additional Assistance</p>	<ul style="list-style-type: none"> <li>• Case Notes</li> <li>• Internal or external partner’s Individual Service Strategy</li> <li>• Intake Application or Enrollment Form from a community or state partner</li> <li>• Internal or external partner’s Needs Assessment</li> <li>• Self-Attestation</li> </ul>

**Youth Program Eligibility Glossary:** Local program staff making eligibility determinations for the WIOA Youth program should make use of the following definitions:

**Barriers:** One documented barrier will make a participant eligible to receive services; however, notation of additional barriers as they are identified are required to be recorded and documented in the New Mexico Jobs online system (NMJobs). Lack of supporting documentation for additional barriers, beyond the first barrier does not delay services. The recording of additional barriers is required and will be captured in quarterly performance review data at both the federal and state level.

**Basic Skills Deficient:** have English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on generally accepted standardized test; or are unable to compute or solve problems, or read, write, or speak English at a level necessary to function on the job, in the individual's family, or in society. (20 CFR 681.290 (a))

**Career Pathway:** (WIOA sec. 3 (7)): means a combination of rigorous and high-quality education, training, and other services that:

- Aligns with the skill needs of industries in the economy of the State or regional economy involved;
- Prepares an individual to be successful in any of the full range of secondary or postsecondary education options, including apprenticeships registered under the "National Apprenticeship Act";
- Includes counseling to support an individual in achieving the individual's education and career goals;
- Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
- Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
- Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and
- Helps an individual enter or advance within a specific occupation or occupational cluster.

**Career Planning:** (WIOA sec. 3(8)): means the provision of a client-centered approach in the delivery of services, designed to:

- prepare and coordinate comprehensive employment plans, such as service strategies, for participants to ensure access to necessary workforce investment activities and supportive services, using, where feasible, computer-based technologies; and
- provide job, education, and career counseling, as appropriate during program participation and after job placement.

**Case Notes:** Case notes refer to either paper or electronic statements by the case manager 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 case manager who obtained the information.

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**Compulsory School Attendance Age:** Except as otherwise provided in the Public-School Code, a person of school age must attend a public school, private school, home school, or state institution until they are at least 18 years old. However, they can leave school earlier if they have graduated from high school, received a high school equivalency credential, or withdrawn due to a hardship waiver. Parents can give written permission for their child to leave school between the ages of 16 and 18 if the local superintendent or private school approve the hardship.

**Deferred Action for Childhood Arrivals (DACA):** WIOA Section 188(a)(5) states that participation in WIOA programs is open to U.S. citizens, nationals, lawful permanent residents, refugees, asylees, parolees, and other immigrants authorized to work in the U.S. by the Attorney General. This includes individuals with employment authorization, such as DACA participants. DACA participants must meet WIOA eligibility requirements to access services. Local Workforce Development Board (LWDB) staff must obtain documentation of employment authorization, which must include self-attestation. The DACA process is for individuals who came to the U.S. as children and:

- Were under the age of 31 as of June 15, 2012 (that is, you were born on or after June 16, 1981);
- Came to the United States before reaching your 16th birthday;
- Have continuously resided in the United States since June 15, 2007, up to the time of filing your request for DACA;
- Were physically present in the United States on June 15, 2012, and at the time of filing your request for DACA with USCIS;
- Had no lawful immigration status on June 15, 2012, and at the time of filing your request for DACA, meaning that:
  - You never had a lawful immigration status on or before June 15, 2012, or
  - Any lawful immigration status or parole that you obtained had expired as of June 15, 2012, and
  - Any lawful status that you had after June 15, 2012, expired, or otherwise terminated before you submitted your request for DACA;
- Are currently enrolled in school, have graduated or obtained a certificate of completion from high school, have obtained a General Education Development (GED) certificate, or are an honorably discharged veteran of the United States Coast Guard or armed forces of the United States; and
- Have not been convicted of a felony, significant misdemeanor (that is, a misdemeanor as described in 8 CFR 236.22(b)(6)), or 3 or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

A DACA participant whose case has been deferred is eligible to receive employment authorization for the period of deferred action, provided they can demonstrate "an economic necessity for employment."

**Deficient in Basic Literacy Skills:** (For use in determining basic youth eligibility.) An individual who:

- 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
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- 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.

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

**English language learner:** An eligible individual who:

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

**Excludable income:** For determining WIOA income eligibility, the following are excluded from income:

- Needs-based scholarship assistance.
  - Financial assistance under Title IV of the Higher Education Act, including Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study, PLUS, Stafford, and Perkins loans-is debt and not income.
  - Cash welfare payments (including TANF, SSI, RCA, GA, emergency assistance, and general relief). WIOA §3(36)(A)]
  - One time income received in lieu of TANF cash assistance.
  - Income earned while a veteran was on active military duty and certain other veterans' benefits, i.e., compensation for service-connected disability, compensation for service-connected death, vocational rehabilitation, and education assistance. [TEIN 22-92]
  - Regular payments from Social Security, such as Old Age and Survivors Insurance.
  - Lump sum payments received as assets in the sale of a house, where the assets are to be reinvested in purchasing a new home. [Consistent with IRS guidance]
  - Payments received as the result of an automobile accident insurance settlement are applied to the repair or replacement of an automobile.
  - Foster care payments. [WIOA §3(36)(A)]
  - Withdrawals from an Individual Development Account (IDA) for purchasing a home, medical expenses, or educational expenses.
  - One-time cash payment, including tax refunds; loans, which are debt and not income; one-time insurance payments; gifts; and lump sum inheritances.
  - Noncash benefits such as employer-paid fringe benefits, food, or housing received in lieu of wages, Medicare, Medicaid, food stamps, school meals, and housing assistance.
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**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 husband, wife, and dependent children.
- A parent or guardian and dependent children.
- A husband and wife.

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

**Family income:** Family income includes a total of six 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 but are not limited to unpaid debts, gifts, loans, unemployment compensation, etc.

**Forms of Documentation:** Local boards must collect the required documentation for each eligibility data element, as specified in the comprehensive checklist of Allowable Forms of Eligibility Documentation provided in this policy.

**Foster child:** A youth aged 14-18 years on whose behalf state or local government payments (excluding OASI (Old-Age and Survivors Insurance)) are made. This may include youth who have been made a ward of the state by a court, including those in the following categories:

- Youth in state institutions
- Youth in community group homes
- Youth in foster homes

**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 children and youths:**

- means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
  - includes—
    - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
    - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C) 1 of this title);
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- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for this part because the children are living in circumstances described in clauses (i) through (iii).
- The term “unaccompanied youth” includes a homeless child or youth not in the physical custody of a parent or guardian.

**Individual:** A person not meeting the definition of family. Youth aged 18 years and older living with parents or other family members must document their individual status by completing the self-attestation form verifying that status.

**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:

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

An Individual with a Disability may be eligible based on the "family of one" income guideline. OSY with a disability are not required to be low-income and for ISY with a disability, the youth's own income, rather his or her family's income, must meet the low-income definition and not exceed the higher of the poverty line or 70 percent of the lower living standard income level.

A student with a disability is eligible for special education or related services under the Individuals with Disabilities Education Act (IDEA) or section 504. This includes children evaluated as having intellectual disabilities, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), emotional disturbances, orthopedic impairments, autism, traumatic brain injuries, other health impairments, specific learning disabilities, deaf-blindness, or multiple disabilities. These evaluations determine the need for special education and related services.

**In-School Youth:** Means a person aged 14 through 21 who is attending school full time and who has not yet received a high school diploma or high school equivalency.

**Living in a single residence:**

- An individual **is** considered part of a single residence if they are **temporarily and voluntarily** living elsewhere, such as attending school or college or visiting relatives. This does not include involuntary temporary residence, like incarceration or court-ordered placement. Additionally, a college student who is not claimed as a dependent on anyone else's tax return is not considered a dependent child.
  - An individual is **not** considered part of a single residence if they are **temporarily and involuntarily** living elsewhere, such as being incarcerated or placed by court order. A person not meeting the definition of family is considered an individual (family of one). Individuals who were previously part of a family but no longer claim to be dependent must complete an applicant statement attesting to
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their individual status, corroborated by the head of the household where they reside. They must show the source of their support and provide over 50% of their support to be considered a family of one. Income tax records can help document that the youth is not claimed by their parents. Youth aged 18 years and older should refer to the "Individual" definition.

**Local Procedures:** Each Local Workforce Development Board (LWDB) must gather supporting documentation to determine eligibility. The Workforce Innovation and Opportunity Act (WIOA) sets strict eligibility criteria, priorities, and participation requirements to ensure the proper use of Title I funds.

**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.

**Migratory child:** A child, or their parent or spouse, who is a migratory agricultural worker (including dairy workers) or a migratory fisher, and who has moved from one residence and school district to another within the past 36 months due to economic necessity to obtain temporary or seasonal employment in agricultural or fishing work, is considered a migratory child.

**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.

**Out-of-School Youth:** Means an individual a youth of compulsory school age between 16 and 24 years at the time of enrollment that is a high school dropout, not attended school for at least the most recent complete school year quarter (defined by the local school district or calendar year quarters), or a recipient of a secondary school diploma or its equivalent.

**Post secondary education:** Post-secondary educational institution means an academic, vocational, technical, business, professional, or other school, college, university or other organization or person offering or purporting to offer courses, instruction, training, or education.

**Pregnant or parenting youth:** A youth who is aged 24 years of age or less at the time of application and who is pregnant, or who is providing custodial or non-custodial care for one or more underage dependents.

**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.

**REAL ID:** The Real ID Act of 2005 is an Act of Congress that establishes requirements that driver licenses and identification cards issued by U.S. states and territories must satisfy to be accepted for accessing federal government facilities and nuclear power plants and for boarding airline flights in the United States.

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**Reportable Individual:** An individual who has taken action that demonstrates an intent to use program services and who meets specific reporting criteria of the program, including:

- Individuals who provide identifying information;
- Individuals who only use the self-service system; or
- Individuals who only receive information-only services or activities. (20 CFR 677.150(b))

**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.

**Self-Attestation:** Self-attestation use for documenting eligibility should be used as a method of last resort when no other source of documentation can be found or accessed, or that may cause an undue hardship for individuals to obtain. A self-attestation cannot be used to document the basic WIOA eligibility data elements of right to work, selective service, or age. Full description and procedure is listed under the Eligibility Documentation Requirements in the first section of this policy.

**Work Experience:** A work experience is a planned, structured learning opportunity in a workplace for a limited time, which can occur in the private, non-profit, or public sectors. Labor standards apply where an employee/employer relationship exists. Funds for work experiences cannot be used to fill job openings affected by labor disputes. These experiences offer youth participants career exploration and skill development, and must include academic and occupational education, which can happen concurrently or sequentially with the work experience, either inside or outside the work site. And while WIOA section 681.600 states that work experiences must take place in a workplace, this includes a virtual workplace when remote work experiences are possible and practical. (TEGL 09-22 (c)).