



## **YOUTH ELIGIBILITY AND PRIORITY OF SERVICE**

**Policy Number: 203C, Revision 9**

**Effective Date: July 1, 2019**

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### **I. PURPOSE:**

The purpose of this policy is to establish how the Workforce Innovation and Opportunity Act (WIOA) eligibility, priority of service including veterans' priority is to be implemented for the U.S. Department of Labor (DOL) programs under the management of the South Central Workforce (SCW). Individuals registered as Youth must meet the eligibility requirements outlined in this bulletin.

### **II. BACKGROUND:**

In accordance with WIOA Sec. 129(1)(B) and (C) and CFR 681.200, Youth program eligibility includes both In-School Youth (ISY) and Out-of-School Youth (OSY). SCW has determined as a local policy to serve a maximum of 25% of Youth formula funds for ISY and a minimum of 75% for OSY. The below policy reflects the ISY and OSY eligibility criteria and priority of service to Veterans.

### **III. ELIGIBILITY CRITERIA:**

Outlined below are the definitions and criteria for ISY and OSY, eligibility barriers, low-income determination, basic skills deficiency (BSD) determination and priority of service to veterans that shall be used in determining WIOA eligibility.

A. IN-SCHOOL YOUTH means an individual who is:

1. U.S. citizen or otherwise legally entitled to work in the U.S.;
2. Attending school as defined by state law;
  - a. Individuals whose home-schooling activity meets RCW 28A.200 and 28A.225.010(4) requirements can seek eligibility as ISY; if not, they need to meet the OSY eligibility criteria.
3. Age 16 through 21; Age 14-15 youth can be served by exception request;
4. Selective Service Registration, see TEGL 11-11, Change 2 [www.sss.org](http://www.sss.org);
5. Low-income individual; *and*
6. One or more of the following:
  - a. Basic Skills Deficient;
  - b. An English language learner;
  - c. An individual who is subject to the juvenile or adult justice system. This means a Youth who has been charged with an offense but directed to a community based diversion program rather than the formal court system, even though that individual has not been remanded to the court system (WorkSource System Policy 1020, Revision 1);
  - d. 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))), or a runaway;
  - e. An individual in foster care or has aged out of the 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;
  - f. An individual who is pregnant or parenting. A pregnant individual can only be the expectant mother (TEGL 21-16, Change 1);
  - g. A youth who is an individual with a disability; and/or
  - h. An individual who requires additional assistance to complete an education program or to secure or hold employment. This would include, but is not limited to life circumstances:

- i. Abuse or history of abuse (e.g. physical, emotional, verbal, economic, mental, sexual);
- ii. Chronic health conditions such as diabetes, asthma, obesity;
- iii. A youth of incarcerated parent(s);
- iv. Age 18 through 21 with no work history;
- v. Substance abuse or history of substance abuse.

B. OUT-OF-SCHOOL YOUTH means an individual who is:

1. U.S. citizen or otherwise legally entitled to work in the U.S.;
2. Age and School:
  - a. Age 16-17 and not attending or enrolled in any secondary school or post-secondary school as defined by applicable Washington State law; compulsory rules apply (8-17 years old, see RCW 28A.225.010); not included as post-secondary is adult education provided under Title II of WIOA, YouthBuild, Job Corps, high school equivalency programs or dropout re-engagement programs regardless of the funding sources of those programs;
  - b. Age 18-24 and not attending or enrolled in any secondary school or post-secondary school as defined by applicable State law; a Youth is considered OSY if he or she attend adult education provided under Title II of WIOA, YouthBuild, Job Corps, high school equivalency programs, or dropout re-engagement programs regardless of the funding sources of those programs;
  - c. A Youth attending post-secondary education who is age 22+ at the time of eligibility determination would not be eligible for the WIOA Youth program because they are in school and over the age of 21 (TEGL 21-16, Change 1).
3. Selective Service Registration (see TEGL 11-11, Change 2) [www.sss.org](http://www.sss.org); and
4. One or more of the following that must be reported in the state provided database:
  - 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. In cases where schools do not use quarters, WIOA program will use calendar quarters;

- c. A low-income individual who is a recipient of a secondary school diploma or its recognized equivalent and is:
  - i. Basic skills deficient or
  - ii. An English language learner.
- d. An individual who is subject to the juvenile or adult justice system. This means a Youth who has been charged with an offense but directed to a community based diversion program rather than the formal court system, even though that individual has not been remanded to the court system;
- e. 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))), or a runaway;
- f. An individual in foster care or has aged out of the foster care system or who is a minimum of 16 years old 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;
- g. An individual who is pregnant or parenting. A pregnant individual can only be the expectant mother (TEGL 21-16, Change 1);
- h. A youth who is an individual with a disability; and/or
- i. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. This would include, but is not limited to life circumstances:
  - i. Abuse or history of abuse (e.g. physical, emotional, verbal, economic, mental, sexual);
  - ii. Chronic health conditions such as diabetes, asthma, obesity;
  - iii. A youth of incarcerated parent(s);
  - iv. Age 18 through 24 with no work history;
  - v. Substance abuse or history of substance abuse.

#### IV. ELIGIBILITY PROCESS:

The eligibility process will include:

1. The use of WIOA Eligibility Application, Family Income Form (Attachment 1), CASAS Scores & EFL Certification Form (Attachment 2A or Attachment 2B), and Youth Self-Attestation Form (Attachment 4) to generate all information necessary to determine eligibility and meet reporting requirements.
2. The maintenance of adequate documentation to ensure the credibility of the eligibility, which shall at a minimum consist of:
  - a. A completed WIOA Eligibility Application, Family Income Form (if applicable), CASAS Scores & EFL Certification Form, and Self-Attestation Form for each applicant.
  - b. Copies of documents used to determine and verify eligibility (see Attachment 3 Eligibility Policy Handbook for a full list of acceptable documents).
3. Verification of the information provided on the WIOA Eligibility Application, Family Income Form, and CASAS Scores must be maintained as part of the applicant file. The following may be used to verify eligibility (see Attachment 4 Eligibility Policy Handbook for a full list of acceptable documents):
  - a. Age:
    - i. Birth certificate or hospital record of birth;
    - ii. Driver's license or DOL identification;
    - iii. School records;
    - iv. Baptismal record;
    - v. Public Assistance Records;
    - vi. Passport; or
    - vii. Self-Attestation.
  - b. Citizenship or eligible non-citizen:
    - i. Driver's License/ID card and Social Security Card;
    - ii. Permanent Resident Card;
    - iii. U.S. Passport/U.S. Passport Card; or
    - iv. Any form of documentation as defined by I-9 documentation requirements.
  - c. Low Income:

- i. Pay stubs;
    - ii. Employer verification;
    - iii. Public Assistance Records;
    - iv. Child support records; or
    - v. Self-Attestation.
  - d. Selective Service:
    - i. Selective Service acknowledgment letter;
    - ii. Form DD-214 “Report of Separation”;
    - iii. Screen printout of the Selective Service Verification site;
    - iv. Selective Service Registration Card;
    - v. Selective Service Verification (Form 3A); or
    - vi. Stamped Post Office Receipt of Registration.

Signatures and dates of signatures for the applicant, the Contracting Agency’s Representative and the Administrative Reviewer on the application attesting to eligibility and prioritization must be signed in ink or via electronic signature.

In response to COVID-19 concerns, the SCW is authorizing temporary flexibility with the programmatic requirements for documenting eligibility for WIOA Title I-B programs. This guidance is retroactively effective from **4/29/2020** and in effect through **12/31/2023**, unless DOL rescinds its COVID-19 FAQ guidance or Washington Training and Education Coordinating Board issues an earlier expiration date. The following establishes the remote or virtual eligibility documentation that is allowable into WIOA Title I-B programs due to COVID-19 impacts.

- Application Process
  - This process is allowable for all categories of WIOA Title I-B Adult and Dislocated Worker services and WIOA Title I-B Youth program elements. During the process, the case manager and applicant initiate the WIOA Eligibility Application Touchpoint in ETO while performing applicable assessments:
    - Verbally by phone
    - By other platforms such as e-mail, text, chat, Skype, Zoom or WebEx
    - A combination of the above
- Verification and Documentation during the Application Process:

- During the application process, supporting eligibility and priority of service documentation are obtained and verified:
  - By electronic means (e-mailed or texted attachments, scans, digital photographs sent in encrypted form; electronic signature platforms such as DocuSign or Verisign).
  - Through copies of documents sent via postal pickup or mail drop-off at local centers.
  - Through a combination of the above in order to safeguard Personally Identifiable Information (PII).
- Signature Collection and Alternatives
  - Required signature, for eligibility documentation (including WIOA eligibility application, EO and Complaint and Grievance Procedures, data collection certification, and self-attestation/applicant statement forms), are obtained via:
    - Electronic document signing platforms (e.g., DocuSign, Verisign)
    - Electronically transmitted digital photos of signed documents
    - Postal mail pick up or drop off of paper forms
    - A combination of the above
    - E-mail (can be used in place of signature)
      - For the WIOA application and EO and Complaint and Grievance Procedures, the applicant must reply in the affirmative that he or she has read and understood the information. The response and date stamp on the e-mailed reply indicates completion of the form.
      - For the data collection certification and self-attestation/applicant statement forms, the applicant must reply in the affirmative that he or she or they certify the information is true and accurate. The response and date stamp on the e-mailed reply indicates completion of the form.
- Security of Customer Data
  - Per the ETA COVID-19 FAQs, the security of customer data and its transmission as well as ease of customer access must be considered. Refer to SCW Policy 112 – Personally Identifiable Information for additional guidance.

## V. SELF-ATTESTATION:

Self-attestation means a written, or electronic/digital declaration of information for a particular data element, signed and dated by the participant. DOL broadly interprets what is considered an electronic/digital signature. Electronic signatures or a submission from the participant such as an email, text, or unique online survey response is considered an electronic signature or verification; it must be participant generated and traceable to the participant. Grantees must retain documentation of the self-attestation. In an effort to reduce the amount of administrative burden resulting from the capture and maintenance of paper documentation, the Board allows the use of self-attestation, as defined in this document, wherever permissible under federal guidelines.

To ensure properly documented customer self-attestation, Contractors are required to use Attachment 4 Self-Attestation Form. Improperly documented self-attestation or self-attestation on eligibility elements not permitted under federal law or this policy will result in potential disallowed costs. Properly documented self-attestation will serve as documentary evidence of eligibility determination and will not, in and of itself, warrant disallowed cost findings through annual program monitoring.

## VI. VETERANS AND ELIGIBLE SPOUSES PRIORITY:

On December 19, 2008, the DOL issued new regulations (20 CFR 1010) implementing the Jobs for Veterans Act (JVA 2002) and the Veterans' Benefits, Health care, and Information Technology Act (2006). The regulations went into effect on January 19, 2009 and do three basic things:

1. Set forth requirements for each "qualified" program to provide priority of service for veterans and eligible spouses and require all grantees to have policies providing priority of service whether providing priority of service online or in person;
2. Require that, for purposes of implementing priority of service, the broad definition of "veteran" meaning a person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable be used [38 U.S.C. 101(2)]; and



3. Add new requirements related to persons who physically access service delivery points or who access virtual service delivery programs on websites (See 20 CFR 1010.300):
  - a. Applicants to any “qualified” DOL programs and services must be able to learn about priority of service and to indicate whether they are veterans, etc.;
  - b. Program staff must initiate data collection for any person claiming priority at point of entry; and
  - c. Applicants who are veterans must be given the menu of programs and services to which the priority applies, and any additional program eligibility requirements.

Veterans and other covered persons who are determined eligible for WIOA services are entitled to priority of service under all WIOA Title I funded programs (e.g. Adult, Dislocated Worker, Youth, 10% funded projects, and National Emergency Grant (NEG)). The term “Veteran’s Priority of Service” means that a covered person shall be given priority over non-veterans except for the priority of service established by law for the WIOA programs.

A “covered person” under the Priority of Service is defined as one of the following:

1. A person who served at least one day in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable as specified in 38 U.S.S 101 (2). Active service includes full-time Federal service in the national Guard or Reserve component. This definition of “active service” does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as “weekend” or “annual” training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State mobilizations usually occur in response to events such as natural disasters).
2. A recently separated veteran is any veteran who applies for participation under this title within 48 months after discharge or release from active military, naval, or air service (WIOA definition); or
3. An eligible spouse of:
  - a. Any veteran who died of a service-connected disability;

- b. Any member of the Armed Forces serving on active duty who, at the time of spouse's application, is listed in one or more of the following categories and has been listed for a total of more than 90 days:
    - i. Missing in action,
    - ii. Captured in the line of duty by a hostile force; or
    - iii. Forcibly detained or interned in the line of duty by a foreign government or power;
  - c. Any veteran who has a total disability resulting from a service connected disability, as evaluated by the Department of Veterans Affairs; or
4. Any veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a veteran with a total service connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living veteran or service member, that eligibility would be lost upon divorce from the veteran or service.

Priority of service guidelines can appear inconsistent given the Jobs for Veterans Act and local program requirements. When multiple priorities for a given program or service arise giving the appearance of conflicting priorities, local policy and procedure must respond by defining a hierarchy or priorities that resolves the conflicts. For example, if the United States Congress has established eligibility for a program, then the veteran or eligible spouse must meet the requirement for entry into the program. After meeting the eligibility requirement for the program, the veteran must be given priority over all non-veterans who also meet the requirement. Priorities set by federal statute are at the top of the hierarchy. Federal law sometimes allows targeting at the state or local level, but in these cases, priority of service for veterans takes precedence over state and local level targeting.

## VII. ASSISTING VICTIMS OF HUMAN TRAFFICKING:

U.S. citizens or lawful residents who are victims of trafficking can receive the same services that are provided to the general public under WIOA. In addition, under the Traffic Victims Protection

Act, certain foreign nationals are also eligible for WIOA Title I services. This includes victims of a severe form of trafficking in persons and individuals granted a nonimmigrant “T” visa (TEGL 11-11, Change 2).

For the purpose of being eligible for WIOA Title I services as a victim of a severe form of trafficking:

1. Individuals 18 years of age or older must have been subjected to an act or practice described in the definition of “severe forms of trafficking in persons” and have received a letter of certification issued by the Department of Health and Human Services (HHS).
2. Children under 18 years of age who have been subjected to a severe form of trafficking need not be certified by HHS to be eligible for services; instead, HHS issues Letters of Eligibility to minor victims of trafficking. As with any participant, they must meet all applicable program eligibility requirements to receive WIOA Title I services.

Individuals who are granted “T” visas from the Department of Homeland Security are also eligible for WIOA Title I services. The “T” nonimmigrant Status (“T” visa) is available to individuals who are or have been victims of human trafficking, and protects these victims of human trafficking by allowing them to remain in the United States to assist in an investigation or prosecution of human trafficking.

Employment and Training services should be provided to victims of trafficking to the same extent and following the same procedures and case management processes as for other one-stop customers. However, services to victims of trafficking may need to be tailored and adapted to match the particular needs of this population. For instance, victims of trafficking may have English language Learners (ELL), criminal records (including from being forced into prostitution), or limited resumes.

#### VIII. ADDRESS CONFIDENTIALITY PROGRAM:

The Address Confidentiality Program (ACP) helps individuals attempting to escape from actual or threatened domestic violence, sexual assault, human trafficking, or stalking to interact with state and local government agencies without disclosing their address in order to prevent their assailant or probable assailants from finding them.

The Office of the Secretary of the State confirms that nothing in the ACP Law (RCW 40.24) exempts or excuses an individual from providing phone numbers, emergency contact information, email addresses, or any other information required by clients. The laws governing the ACP apply only to state and local government agencies and only to a person's home, work and/or school addresses. The intent of the ACP is to ensure that victims enrolled in the ACP can access government services like everyone else but without having to place their address in the view of the public.

WIOA programs will accept the substitute address of an individual enrolled in the ACP and enter this address into the state provided database. Never record the actual street address for work or home of an ACP participant in the state provided database. If someone is participating in the ACP, do not require them to disclose their actual work or home address.

If an individual is enrolled in the ACP, use the ACP address as the home address in the state provided database. Enter the address as it is printed on the authorization complete with the participation unique authorization code, or PMB number:

PMB#####  
PO BOX 257  
Olympia, WA 98507

#### IX. INCOME VERIFICATION AND FAMILY SIZE FOR THE LOW-INCOME CRITERIA:

To determine whether an individual is low-income under the definition at WIOA Sec. 3(36)(A), it is also necessary to consider family size and family income. The intent is to prioritize services to individuals based on family income (low-income), not to exclude unemployed individuals, who meet the low-income criteria, from receiving services.

1. Low-Income as defined in the WIOA Sec. 3(25): an individual who:
  1. Receives, or in the past six months has received, or is a member of a family that is receiving or in the past six months has received, assistance through the Supplemental Nutrition Assistance Program (SNAP) established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) the program of block grants to

States for Temporary Assistance for Needy Families (TANF) program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), the supplemental security income program established under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or State or local income-based public assistance;

2. Is in a family with total family income that does not exceed the higher of:
  - a. The poverty line; or
  - b. 70 percent of the Lower Living Standard Income Level
3. Is a homeless individual (as defined in Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 111434a(2))) or a runaway;
4. Receives or is eligible to receive a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);
5. Is a foster child on behalf of whom State or local government payments are made; or
6. Is an individual with a disability whose one income meets the income requirement of a program described in number 2 above, but who is a member of family whose income does not meet this requirement.

In addition, as discussed above, an ISY who receives or is eligible to receive free or reduced-price lunch would meet the low-income requirement. Note that some school districts subsidize all student meals from the Community Eligibility Provision (CEP) Healthy, Hunger-Free Kids Act of 2010. **When a school does not use individual eligibility criteria to determine who is eligible for free or reduced-price lunch, whole school receipt of free or reduced-price lunch cannot be used to determine WIOA low-income status for ISY. In schools where the whole school automatically receives free or reduced-price lunch, WIOA programs must base low-income status on the individual student's eligibility to receive free or reduced-price lunch or on meeting one of the other low-income categories under WIOA.** Local programs can check with their local school districts for determining whether individual students are eligible to receive free or reduced-price lunch. While the free or reduced-price lunch low-income category primarily applies to ISY, there is one exception where it could apply to an OSY.

If an OSY is a parent living in the same household as a child who receives or is eligible to receive free or reduced-price lunch based on their income level, then such an OSY would meet the low-income criteria based on his/her child's qualifications.

2. Low-Income Exception (5%)

As described in WIOA 20 CFR § 681.250(c), WIOA allows a low-income exception where five percent of WIOA Youth may be participants who ordinarily would be required to be low-income for eligibility purposes and meets all other eligibility criteria for WIOA Youth except the low-income criteria. As not all OSY are required to be low-income, the five percent low-income exception under WIOA is calculated based on the five percent of Youth enrolled in a given program year who would ordinarily be required to meet the low-income criteria. It is not based on all Youth since many of the OSY categories do not require low-income status. In fact, as discussed above, only two categories of OSY require low-income status.

- For example, a local area enrolled 200 Youth and 100 of those Youth were OSY who were not required to meet the low-income criteria, 50 were OSY who were required to meet the low-income criteria (i.e., either 20 CFR § 681.210(c)(3) or (c)9)), and 50 were ISY. In this example, the 50 OSY required to be low-income and 50 ISY are the only Youth factored into the five percent low-income exception calculation. Therefore, in this example, 5 of the 100 Youth who ordinarily would be required to be low-income do not have to meet the low-income criteria based on the low-income exception. This percent is calculated at the end of a program year based on new enrollees in that program year.

3. Exemption of Military Service-Related Income:

In accordance with 38 U.S. Code Part 4213, that “any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded when determining if a person is a ‘low-income individual’ for eligibility purposes.”

All pay and/or financial allowances earned while a veteran was on active duty are exempt. Title 38 U.S.C. 4213 also exempts from inclusion in “low-income” calculations any financial benefits received by a covered person under the following Chapters of Title 38 of the U.S. Code:

- 11. Compensation for service-connected disability or death.
- 13. Dependency and Indemnity compensation for service-connected deaths.
- 30. All-volunteer force education assistance program.
- 31. Training and rehabilitation for veterans with service-connected disabilities.
- 35. Survivors’ and dependents’ education assistance.
- 36. Administration of educational benefits.

Also excluded from “low-income” calculations are benefits received under Chapter 106 of Title 10 U.S. Code, Educational assistance for members of the selected reserve.

In contrast to the various types of military income and benefits identified above that are exempt from inclusion in low-income calculations, certain other types of military-related income are not exempt. Specifically, pension payments authorized by Title 10 U.S. Code, such as those received by military retirees whether or not their retirement was based on disability, are not exempt and are to be included in low-income calculations. Also not exempt are pension benefits paid under Chapter 15 of Title 38 U.S. Code.

When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. This applies when determining if a person is a “low-income individual” for eligibility purposes. (20 CFR 683.230)

#### 4. Exemption Or Inclusion of Tribal Income

Payments to tribal members by Indian tribal governments qualify for the general welfare exclusion if the payments are:

1. Made pursuant to a governmental program of the tribe;

2. For the promotion of general welfare (that is, based on individual or family need, and, uniquely in the case of programs of Indian tribal governments, to help establish Indian-owned businesses on or near the reservation); and
3. Not compensation for services.

Payments under Indian tribal governmental programs meeting these requirements qualify for the general welfare exclusion whether the revenues that the Indian tribal government uses to fund the programs derive from levies, taxes, services fees, or revenues from tribally-owned businesses. For example, general welfare programs may be funded from casino revenues.

However, per capita payments to tribal members or **tribal gaming revenues** that are subject to the Indian Gaming Regulatory Act are gross income under § 61, are subject to the information reporting and withholding requirements of §§ 6041 and 3402(r), and are not excludable from gross income under the general welfare exclusion or this revenue procedure (IRS Notice 2012-75).

5. Determining Family Size:

If an individual is not living in a single residence with other family members, that individual is not a member of a family for the purpose of WIOA income calculations 20 CFR § 675.300 defines family as “two or more persons related by blood, marriage, or decree of court, who are living in single residence, and are included in one or more of the following categories:

1. A married couple and dependent children;
2. A parent or guardian and dependent children; or
3. A married couple

6. Washington’s Marriage Equality Act

Washington’s Marriage Equality Act (RCW 26.60) expands the definition of a “married couple” beyond that of a male and female couple. Furthermore, in June 2013, the U.S. Supreme Court rules unconstitutional Section 3 of the federal Defense of Marriage Act. Accordingly, in relation to this policy, the state is expanding its definition of a married couple beyond that of a male and a female.



X. LOWER LIVING STANDARD INCOME LEVEL:

WIOA establishes the use of the Lower Living Standard Income Level (LLSIL) when determining low income and self-sufficiency (see References). The U.S. DOL annually updates and publishes LLSIL charts and the State is responsible for designating the appropriate LLSIL within the parameters established by DOL.

The U.S. Department of Health and Human Services (HHS) annually updates and publishes Federal Poverty Guidelines and the State holds that the HHS standard applies when it is higher than the LLSIL for the corresponding family size.

A Youth is considered low-income if the Youth is in a family with a total family income that does not exceed the higher of the poverty line or 70 percent of the LLSIL, except in cases where only the Youth's income is considered as discussed below. See Attachment 11 WIN 0056 Lower Living Standard Income Level for the charts.

- *What counts as income?* DOL received several questions asking about what counts as income when determining a Youth's low-income status. The definition of what counts as income when determining a Youth's low-income status has changed under WIOA. It is important to know that the definition of low-income individual at Section 3(36) does not exclude unemployment compensation or child support payments from income calculations. Therefore, WIOA Youth programs must include Unemployment Insurance and child support payments as income when determining a Youth's eligibility based on low-income status. As discussed above in the list of low-income qualifications in WIOA Section 3(36), homeless and foster Youth are considered low-income and do not need to meet any additional low-income criteria.
- *When do you consider only a Youth's income?* There are circumstances where only the Youth's income is considered in determining whether the Youth satisfies WIOA income limits for the program. 20 CFR § 681.280 provides that 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 LLSIL.

## XI. DETERMINING BASIC SKILLS DEFICIENCY

Basic Skills Deficient [WIOA Sec. 3(5)] means, with respect to an individual:

1. Who is a Youth, that the individual has an English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
2. Who is a Youth or Adult that the individual is unable to compute or solve problems; or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

Employment Security Department (ESD) has approved the CASAS tests as the only standard tools to determine Basic Skills Deficiency (BSD) for program eligibility.

### Assessments Permitted:

The following CASAS assessments may be used in Washington. The National Reporting System (NRS) determines tests suitable for use and period for which that use is approved.

1. CASAS Reading GOALS – Approved through February 5, 2025
2. CASAS Life and Work Listening (forms 981-986) – Approved through February 2, 2023
3. CASAS Math GOALS – Approved through March 7, 2023
4. CASAS Appraisal (form 990)

These assessments meet the NRS requirements and:

1. Are appropriate for measuring literacy and language development of Adult students/job seekers;
2. Have standardized administration and scoring procedures;
3. Have alternate, equivalent forms for pre- and post-testing; and
4. Have evidence linking them to the NRS Educational Functioning Levels.

### Administering the CASAS:

When using the paper test format, administering the CASAS to determine BSD requires two steps:

1. Appraisal test, and

2. Proper Pre-Test as indicated by the appraisal.

When using the e-test format (called Locator), administration of the CASAS to determine BSD is one step. The Locator is a short computer-adaptive test (CAT) that will quickly adapt to a test-takers response and present an appropriate level pretest in one sitting. Note: The Locator is not a stand-alone test and cannot be used for placement.

Training Requirements for Staff Administering the CASAS:

To ensure accurate use of tests, appropriate interpretation of the test results, and to maintain the validity, reliability, and integrity of the assessment process, testing is to only be administered by someone who has received state-recognized online CASAS Implementation Training at [www.casas.org](http://www.casas.org).

CASAS test administrators must also complete the online CASAS Beyond Implementation Training at least every two years. Local providers must retain certificates of completion for all staff persons trained in CASAS assessment for review by state monitors as requested. Providers must ensure the integrity of the testing process and security of materials aligns with the security policy outlined at [www.casas.org](http://www.casas.org).

Appraisal Test:

The appraisal test must be given first (prior to the pre-test) to determine the appropriate level and form of the pre-test to be used. The CASAS appraisal test cannot be used in lieu of CASAS pre-test to determine BSD.

Note: If using the Locator (e-test), the appraisal and pre-test are combined into one computer-adaptive test (see Administering the CASAS above).

Pre-Test:

Pre-test determine BSD and Educational Functioning Level (EFL). The proper pre-test form is indicated by the appraisal test results. Basic Skills Deficient is denoted by a CASAS score or 238 or below in reading and 235 or below in math.

Post-Test:

Post-tests are administered before the end of a program year to those participants who are receiving instruction below post-secondary education. The EFL is a measure of the Measurable Skills Gain performance indicator (see Administrative Bulletin 221).

Any CASAS test administered within four months of the end of program year can be used as the new program year's pre-test.

#### Minimum Documentation Requirements:

BSD must be documented in the state provided database WIOA Eligibility Application. To document BSD in the state provided database, staff must do the following:

1. On the "Barriers" tab of the WIOA Eligibility Application, check the "yes" radio button for Basic Literacy Skills Deficiency.
  - a. On the dropdown list for BSD Verification, choose "Standardized Assessment Test".
  - b. Go to the "Notes" tab of the WIOA Eligibility Application and document the date of the test, score(s), name of the person or entity administering the test and any other supporting details (as per WorkSource System Policy 1011, Revision 6).
2. Complete the "Testing and Results" Touchpoint in the state database and document the date of the test, score(s), name of the person or entity administering the test and any other supporting details.

Staff should not upload into the state provided database or retain in any hard files any CASAS document(s) that contain test questions or other sensitive testing information. See [www.casas.org](http://www.casas.org) test security policy.

#### Accommodations for Participants with Disabilities or Other Special Needs:

Participants with documented disabilities are responsible for requesting accommodations and for submitting documentation of their disability at the time of registration, program entry, or after diagnosis. Local providers are responsible for providing fully accessible services and reasonable accommodations for participants with documented disabilities.

For participants who do not have disability documentation, or who choose to not disclose their disability, testing aids may be utilized when and where appropriate. These test-taking aids do not affect the administration of the test. Test aids include:

1. Magnifying glasses/lenses/sheet
2. Clear and/or colored overlays
3. Straight-edge
4. Adhesive notes/flags
5. Highlighters
6. Visor
7. Earplugs

Contractors must ensure that all Adult Basic Education (ABE), Adult Secondary Education (ASE), and English Language Learners (ELL) participants with disabilities have equal access to test accommodations, have equal opportunities to test, and receive equal treatment in testing situations. Contractors must follow the Americans with Disabilities Act (ADA) processes and procedures set forth at their organization in determining how to best serve participants with documented disabilities. However, participants are not required to reveal their disability and may elect to participate in a program without special accommodations.

The Guidelines for Providing Accommodations Using CASAS Assessment for Learners with Disabilities provides more detailed information on providing accommodations and is available at [www.casas.org](http://www.casas.org).

## **XII. OPEN DOORS PROGRAMS AND OSY DESIGNATION:**

Washington's Open Doors program recognizes a range of models or approaches with varying degrees of school or school district engagement. DOL acknowledges that Washington's ISY and OSY determination is situational and depends on the degree to which schools and school districts are service providers and funders in dropout re-engagement programs. If schools or school districts, despite having enrolled the Youth into school, largely cede service provision to other entities (e.g., WIOA Title I Youth providers, community-based organizations, non-profits), have

minimal financial investment, and require little or no district-based accountability of participants, Youth in those programs can be designated OSY.

The SCW will complete a list of Open Doors/Re-engagement programs that is updated annually for the new service area. See Attachment 12 Open Doors/Re-engagement Programs and OSY Designation.

### XIII. SELF-SUFFICIENCY:

For the SCW, a family of a given composition, living in a given community shall be deemed “self-sufficient” when its earned income is adequate to meet its basic needs without public or private assistance or has earned income greater than the Lower Living Standard Income Level (LLSIL) The Self-Sufficiency Calculator can be a tool used in determining self-sufficiency. The Self-Sufficiency Calculator is located at [www.thecalculator.org](http://www.thecalculator.org). For purposes of the SCW, determination of “self-sufficiency” may also include mastery of basic skills by the family wage earners.

Attachment 1: Income Verification Form

Attachment 2A: CASAS Scores & EFL Certification Form ABE

Attachment 2B: CASAS Scores & EFL Certification Form ESL

Attachment 3: Eligibility Policy Handbook

Attachment 3A: Eligibility Documentation Matrix

Attachment 4: Youth Self-Attestation Form

Attachment 5A: Priority of Service for Veterans & Eligible Spouses

Attachment 5B: Priority of Service for Veterans & Eligible Spouses Spanish

Attachment 6A: Authorization for Release of Information Form

Attachment 6B: Authorization for Release of Information Form Spanish

Attachment 7A: EEO Form

Attachment 7B: EEO Form Spanish

Attachment 8A: Complaints and Grievances Form

Attachment 8B: Complaints and Grievances Form Spanish

Attachment 9: Youth 14 Program Elements Form

Attachment 10A: Includable/Excludable Income

Attachment 10B: Includable/Excludable Income Spanish

Attachment 11: WIN 0056 Lower Living Standard Income Level

Attachment 12: Open Doors/Re-engagement Programs and OSY Designation

#### REFERENCES:

All Contractors will be monitored for complaints with the MIS procedures for timeliness, accuracy and completeness of all forms and documents.

- 20 CFR § 681.200-681.320
- TEGL 11-11, Change 2 – Selective Service Registration Requirements
- TEGL 21-16, Change 1 – Youth Program Guidance
- TEGL 23-19, Change 2 – Guidance for Validating Required Performance Data Submitted by Grant Recipients of U.S. Dept. of Labor Workforce Programs
- WIN 0041, Revision 1 – Address Confidentiality Program
- WIN 0109, Change 9 – WIOA Title I-B verbal self-attestation and remote eligibility documentation and registration requirements during the COVID-19 emergency
- WIN 0128 - Gubernatorial designation of additional populations with barriers to employment under the Workforce Innovation and Opportunity Act of 2014
- WorkSource System Policy 1011, Revision 6 – CASAS for Basic Skills Assessment
- WorkSource System Policy 1019, Revision 7 – Eligibility Policy and Handbook
- WorkSource System Policy 1020, Revision 1 – Data Integrity and Performance Policy and Handbook