

**Nevada Department of Employment, Training and Rehabilitation**  
**Employment Security Division**  
**Workforce Innovation Support Services**

**Workforce Innovation and Opportunity Act (WIOA)**  
**State Compliance Policy (SCP)**

**Policy Number: 2.1**

**Originating Office:** Department of Employment, Training and Rehabilitation (DETR); Workforce Innovation Support Services (WISS)

**Subject:** Eligibility for Youth Services

**Approved:** Ratified Governor’s Workforce Development Board Executive Committee December 11, 2024; April 2016; Ratified GWDB Executive Committee, September 19, 2018; Ratified GWDB October 23, 2018

**Purpose:** To provide program and participant eligibility requirements for youth services under WIOA.

**State Imposed Requirements:** This directive may contain some state-imposed requirements. These requirements are printed in ***bold, italicized*** type.

**Authorities/References:** WIOA (P.L. 113-128); 2 CFR § 200; 20 CFR § 615.5; 20 CFR §§ 677, 678 and 681; TEGL 05-08; TEGL 10-09; TEGL 11-11, Change 2; TEGL 39-11; TEGL 23-14; TEGL 8-15; TEGL 10-16, Change 3; TEGL 21-16; TEGL 23-19, Change 1 and Change 2; Training and Employment Notice (TEN) 15-10; Nevada Revised Statutes; Nevada Administrative Code (NAC); EmployNV User Guide for Staff Source Documentation Requirements Data Element Validation (DEV); TAG 14-1 and 15-1; Nevada SCPs

**ACTION REQUIRED:** Upon issuance, bring this guidance to the attention of all WIOA service providers, Local Workforce Development Board (LWDB) members and any other concerned parties. Any LWDB policies, procedures, and or/contracts affected by this guidance are required to be updated accordingly.

**Background:** WIOA is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy. WIOA outlines a broader youth vision that supports an integrated service delivery system and gives a framework through which states and local areas can leverage other Federal, State, and local resources to support in-school (ISY) and out-of-school youth (OSY).

Furthermore, WIOA affirms the Department of Labor's commitment to providing high-quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating with quality employment along a career pathway, or enrollment in post-secondary education.

ETA has set a vision and several priorities for youth workforce development, including priorities of advancing equity, ensuring job quality, addressing mental health, and elevating youth voices. The overarching vision is to achieve a no-wrong-door workforce system with critical partners committed to quality career pathways and paid work experiences. Advancing equity to ensure youth have equal access to and outcomes in high-quality education and training is a key priority for the One-Stop Delivery System.

## **Policy and Procedure:**

### **General Eligibility Requirements:**

#### Date of Birth/Age:

Age eligibility is based on age at enrollment/participation. ISY applicants must be between the ages of 14 and 21 and OSY applicants between 16 and 24.

Note: Exception for youth with disabilities: Youth with disabilities who have an Individualized Education Program (IEP) may be enrolled as in ISY after the age of 21 if their state law allows them to be served by K-12 public school system beyond the age 21 ([TEGL 21-16](#)). Per NRS, Nevada state law limits this exception to a maximum 22 years old. Reference [NRS 388.5223-388.5243](#) for additional details.

#### Employment Authorization:

A participant must be a U.S. citizen and/or authorized to work in the United States to receive WIOA services. See <https://www.uscis.gov/i-9> for the most current list(s) of acceptable documentation.

#### Selective Service Registration:

US citizens or immigrants who are assigned male at birth and changed their gender to female are still required to register. Individuals who are assigned female at birth and changed their gender to male are not required to register. Male applicants born on or after January 1, 1960 must be registered with the U.S. Selective Service within 30 days of their 18th birthday. This includes participants who turn 18 while participating in the program. Those who have not yet registered should be referred for registration prior to WIOA enrollment/participation at <https://www.sss.gov/>. Reference [TEGL 11-11, Change 2](#), which details the requirements for citizen and non-citizen applicants.

***Local Boards must have a written policy addressing Selective Service compliance.***

#### Veteran's Priority of Service:

The [Jobs for Veterans Act \(JVA\), P.L. 107-288](#), signed into law on November 7, 2002, requires that there be a priority of service for veterans and eligible spouses in any workforce preparation, development, or delivery program of service directly funded in whole or in part by the U.S. Department of Labor ([38 U.S.C. 4215](#)). The Priority of Service regulations, codified at [20 CFR § 1010](#), were issued December 19, 2008, and require qualified job training programs to implement priority of service for veterans and eligible spouses, effective January 19, 2009. ([TEGL 10-09](#))

Providers of youth services must have processes in place to identify veterans and eligible spouses who are entitled to priority of service. Priority of service means the right of veterans and eligible spouses to take precedence over a not eligible for priority of service person in obtaining all employment and training services. Depending on the type of service, this may mean veterans and eligible spouses receive services earlier in time, or instead of, a not eligible for priority of service person. Reference [TEN 15-10](#)

Recommended protocols for implementing priority of service, from the DOL, can be found at: <https://www.dol.gov/sites/dolgov/files/ETA/advisories/TEN/2010/ten15-10a1.pdf>

Provide Documentation on Social Security Number:

While the state cannot require the collection of social security numbers per [TEGL 5-08](#), it is highly encouraged to do so to use the quarterly wage records information in program performance reports to DOL.

Individual With a Barrier to Employment:

Across all titles, WIOA focus is on serving individuals with barriers to employment.

**To be eligible for WIOA OSY program, youth must meet one or more conditions per WIOA Sec. 129(a)(1)(B)(iii):**

- (I) A school dropout.
- (II) 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.
- (III) A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is-
  - (aa) basic skills deficient; or
  - (bb) an English language learner.
- (IV) An individual who is subject to the juvenile or adult justice system.
- (V) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), a homeless child or youth (as defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
- (VI) An individual who is pregnant or parenting.
- (VII) A youth who is 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.

**To be eligible for the WIOA ISY program, youth must meet one or more eligibility barriers per WIOA Sec. 129(a)(1)(C)(iv):**

- (I) Basic skills deficient.
  - (II) An English language learner.
  - (III) An offender.
  - (IV) A homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6))), a homeless child or youth (as defined in section 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a(2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act (42 U.S.C. 677), or in an out of- home placement.
  - (V) Pregnant or parenting.
  - (VI) A youth who is an individual with a disability.
  - (VII) An individual who requires additional assistance to complete an educational program or to secure or hold employment.
- (2) SPECIAL RULE - For the purpose of this subsection, the term “low-income”, used with respect to an individual, also includes a youth living in a high-poverty area.

**Registration and Enrollment/Participation:** ([20 CFR § 681.320](#))

Youth seeking more than minimal assistance from staff in taking the next steps toward self-sufficiency employment must be registered and determined eligible. Registration is the process for collecting information to support a determination of eligibility which includes the provisions of an objective assessment, development of an individual service strategy and participation in any of the 14 WIOA Youth program elements. Registration can be done electronically, through an interview, or through an individual’s application. Enrollment/Participation is the point at which the individual has been determined eligible for program services and has received or is receiving WIOA services other than self-service or informational service. Youth participants must receive an objective assessment and have an individual service strategy (ISS) developed based on the needs of the particular youth at time of participation.

(a) to participate in youth programs, participants must enroll in the WIOA youth program.

(b) Enrollment in this case requires:

- (1) The collection of information to support an eligibility determination;
- (2) The provisions of an objective assessment;
- (3) Development of an individual service strategy; and
- (4) Participation in any of the fourteen WIOA youth program elements.

**Eligibility and Definitions:**

**In-School Youth (ISY):** ([20 CFR § 681.220](#), WIOA Sec. 3(27), 129(a)(1)(C))

**An individual who is:**

- Attending school (*as defined by State law; [NRS 388](#)*), including secondary and post-secondary school;
- Not younger than age 14 or (unless an individual with a disability who is attending school under State law) older than 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];

- A low-income individual [as defined by WIOA Sec. 3(36), or a youth who lives in a high poverty area WIOA Sec. 129(a)(2)]; and one or more of the following:
  1. Basic skills deficient [English, reading, writing, or computing skills below 8<sup>th</sup> grade level on a generally excepted standardized test or does not speak English at a level necessary to function on the job, in the individual's family or in society].
  2. An English language learner [as defined in [WIOA] Sec. 203 (7)].
  3. An offender [3(38)].
  4. A homeless individual (as defined in Sec. 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 Sec. 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C 11434a (2))), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under Sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
  5. An individual who is pregnant or parenting.
  6. A youth who is an individual with a disability. Reference WIOA Sec. 3 (25)
  7. An individual who requires additional assistance to complete an educational program or to secure or hold employment. Reference WIOA Sec. 3(27) and 129(a)(1)(C)No more than five percent of ISY served in the local area may be deemed eligible because of the criteria described in #7. Reference WIOA Sec. 129(a)(3)(B)

Note: In each local area, not more than five percent of the individuals served as an ISY, may be persons who would not be covered individuals, except that the persons are not low-income individuals. Reference WIOA Sec. 129(a)(3)(A)(ii)

Determination of school status whether a youth participant is an ISY or OSY is made at program participation/enrollment. Once the school status is determined that status remains the same throughout the participation in WIOA youth program for purposes of reporting.

Under the WIOA youth program eligibility requirements, the term “school” refers to both secondary and postsecondary school. Therefore, an individual registered or attending either secondary school or post-secondary school (credit bearing) is considered ISY and must be between 14-21 years of age. The term “school dropout” refers to an individual who has dropped out of high school and not completed their high school diploma or equivalent. The term “school dropout” does not include individuals who have dropped out of postsecondary education. Reference [TEGL 8-15](#)

If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education (credit bearing classes), even if they have not yet begun postsecondary classes at the time of WIOA youth program enrollment. However, if a youth graduates high school and registers for postsecondary education, is only enrolled

in non-credit bearing postsecondary classes or does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend postsecondary education. Reference [TEGL 21-16](#)

Youth attending High School Equivalency (HSE) programs, including drop out re-engagement programs funded by K-12 school system and classified by the school system as still enrolled in school are considered ISY. (Excludes Adult Education under Title II of WIOA; YouthBuild and Job Corps programs are therefore considered OSY.) Reference [20 CFR § 681.230](#)

Homeschooling: (WIOA Sec. 204) WIOA programs must classify ISY or OSY based on state or local educational agency. If the applicant has received educational service or participated in other school activities, they should be considered ISY. ***If the applicant has not attended any school or received any educational services funded by the K-12 school system for the last quarter (9 weeks), meets the age requirements and provide proof with a copy of the Written Acknowledgement Letter, they should be considered OSY.*** Reference NRS 388D.020

A youth attending an alternative school at the time of enrollment is not a dropout. “Alternative school” is defined in [NRS 388.537, 388.820-388.874, 389.155](#). However, if an individual who is out-of-school at the time of enrollment and subsequently placed in an alternative school or any school is an out-of-school youth for the purposes of the 75 percent expenditure requirement for out-of-school youth. Reference [20 CFR § 681.240](#)

**Out-Of-School Youth (OSY): ([20 CFR § 681.210](#), WIOA Sec. 3(46),129(a)(1)(B))**

**An individual who is:**

- Not attending any school (as defined under State law) [[NRS 388](#)];
- Not younger than 16 or older than age 24; and [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 one or more of the following:
  1. A school dropout [as defined by state law (a youth attending an alternative school at the time of enrollment is not considered a dropout)].
  2. A youth who is within the age of compulsory school attendance, [*aged 7-18 per [NRS 392.040](#)*], but has not attended school for at least the most recent complete school year calendar quarter. [The school year calendar quarter is based on the local school district definition].
  3. A recipient of a secondary school diploma or recognized equivalent who is a low-income individual and is-
    - basic skills deficient [English, reading, writing, or computing skills below 8<sup>th</sup> grade level on a generally excepted standardized test or does not speak English at a level necessary to function on the job, in the individual’s family or in society]; or
    - an English language learner.
  4. An individual who is subject to the juvenile or adult justice system.

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5. A homeless individual (as defined in Sec. 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 [WIOA] Sec. 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C 11434a(2)), a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under Sec. 477 of the Social Security Act (42 U.S.C. 677), or in an out-of-home placement.
6. An individual who is pregnant or parenting.
7. A youth who is an individual with a disability.
8. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. [as defined further in this policy].

Note: Determination of school status whether a youth participant is an ISY or OSY is made at program participation/enrollment. Once the school status is determined that status remains the same throughout the participation in WIOA youth program for purposes of reporting. Local WIOA youth programs must verify a youth's dropout status at the time of program enrollment per [20 CFR § 681.240](#).

If a youth is enrolled in the WIOA youth program during the summer and is in between school years, the youth is considered an ISY if they are enrolled to continue school in the fall. If a youth is enrolled in the WIOA youth program between high school graduation and postsecondary education, the youth is considered an ISY if they are registered for postsecondary education (credit bearing classes), even if they have not yet begun postsecondary classes at the time of WIOA youth program enrollment. However, if a youth graduated high school and registers for postsecondary education, is only enrolled in non-credit bearing postsecondary classes or does not ultimately follow through with attending postsecondary education, then such a youth would be considered an OSY if the eligibility determination is made after the point that the youth decided not to attend postsecondary education. Reference [TEGL 21-16](#)

Those who are registered or enrolled, in credit bearing post-secondary classes, are considered attending/in school. If the youth is only enrolled in non-credit-bearing postsecondary classes, he/she would not be considered attending post-secondary education, so would there be classified as an OSY.

Low Income Eligibility Requirement: ([20 CFR §§ 681.210-280](#))

- For OSY, only those youth who have a secondary school diploma or its recognized equivalent and are either basic skills deficient or an English language learner and youth who require additional assistance to enter or complete an educational program or to secure or hold employment must be low-income. All other OSY meeting OSY eligibility under [20 CFR § 681.210](#)(c)(1), (2) and (4) through (7) are not required to be low income. (WIOA Sec. 129(a)(1)(iii)(I) -(II) and 129(a)(1) (iii)(IV)-(VII)
- All ISY must be low-income to meet the ISY eligibility criteria, except those who fall under the low-income exception as defined below. Reference [20 CFR § 681.250](#)
- WIOA allows a low-income exception for up to five percent of all WIOA youth participants who ordinarily would be required to be low-income for eligibility purposes. These participants must meet all other eligibility criteria for WIOA youth except for the low-income requirement. A program must calculate the five percent based on all youth served



by the program in the local area WIOA youth program in a given program year. Reference [20 CFR § 681.250](#)

- In addition to the criteria in the definition of “low-income individual” in WIOA Sec. 3(36), a youth is low-income if they receive or are eligible for a free or reduced-price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) ([20 CFR § 681.270](#)), or if they live in a high-poverty area. A “high poverty area” is a Census tract, a set of contiguous Census tracts, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 25 percent as set every five years using American Community Survey 5-year data. Reference [20 CFR §§ 681.260 and 681.270](#)
- For an individual with a disability, income level for eligibility purposes is based on the individual’s own income rather than his or her family income. WIOA Sec. 3(36) (A)(vi) states that an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the poverty line or 70 percent of the lower living standard income level) but is a member of a family whose income exceeds this income requirement is eligible for youth services. Reference [20 CFR § 681.280](#)

#### High-Poverty Area:

The WIOA youth formula program allows youth living in high-poverty areas to be considered low-income individuals. A high poverty area is a census tract, a set of contiguous census tracts, an Indian Reservation, tribal land, or Native Alaskan Village, or a county that has a poverty rate for single-parent and/or two-parent households of at least 40 percent based on a statistical methodology, as set every five (5) years using American Community Survey 5-Year data ([20 CFR § 681.260](#)). The Census Bureau has changed its website for accessing American Community Survey data, and so this is to provide revised instructions on how to use Census data to document if a youth lives in a high-poverty area based on their street address or county. Reference [TEGL 21-16, Change 1](#)

Low Income Exception: (WIOA Sec. 129(a)(C)(3)(A)(ii), [20 CFR § 681.250\(c\)](#); [TEGL 8-15](#); [TEGL 21-16](#)) 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 meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth in the local area’s WIOA youth program 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.

Individual Who Requires Additional Assistance to Enter or Complete an Educational program, or to Secure or Hold Employment: (WIOA Sec. 129(a)(B)(VIII) & 129(a)(C)(VII), [20 CFR § 681.210\(c\)\(3\)](#), [20 CFR §§ 681.220, 681.300 and 681.310](#)). [TEGLs 8-15](#) and [21-16](#) require that the policy definition be reasonable, quantifiable, and based on evidence that the specific characteristic of the youth identified, objectively requires additional assistance.

***The State has developed the following eligibility criteria for its definition of “An Individual who Requires Additional Assistance to Enter or Complete an Educational Program, or to Secure or Hold Employment”.***

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***A youth, regardless to ISY or OSY eligibility must be low income and must qualify for at least one of the following:***

- 1. Has repeated at least one secondary grade level or is one or more grade levels behind age appropriate level;***
- 2. Has a core GPA of less than 2.0 or is a postsecondary student deemed by a school official to be on academic probation;***
- 3. Are at least 2 semester/four quarter credits behind the rate required to graduate from high school for each year of secondary education;***
- 4. Has a family history of chronic unemployment (during the 2 years prior to application, family members were unemployed longer than employed);***
- 5. Is an emancipated youth;***
- 6. Is a current or previous dropout that lacks a high school diploma/ high school equivalency or is deemed at risk of dropping out of school by a school official;***
- 7. Has been suspended two or more times from school or has been expelled;***
- 8. Has been referred to or is being treated by an agency for documented mental health or a substance abuse-related problem;***
- 9. Has experienced a recent traumatic event (within 2 years of application), is a victim of abuse, or resides in an abusive environment as documented by a school official or professional;***
- 10. Is a youth 16 years of age, or older, who meets one or more of the following criteria:***
  - not held a full-time job for longer than 6 months;***
  - has been fired from a job in the last 6 calendar months;***
  - is currently unemployed, or has a poor or no work history and lacks work readiness skills necessary to obtain and retain employment as documented on the youth objective assessment; or***
  - lacks occupational and/or educational goals.***

Note: Regardless of the above definitions: No more than 5% of ISY assisted may be eligible based on the additional assistance barrier. (WIOA Sec. 129(a)(3)(B), [20 CFR § 681.310](#), [TEGL 8-15](#)). An OSY who requires additional assistance to enter or complete an educational program, or to secure and hold employment must also be low-income. Reference [20 CFR § 681.210\(c\)\(9\)](#)

## **Definitions**

### Alternate Contact:

Name and contact information of family or a friend in case the case manager cannot reach the participant. ***It is recommended that at least three contacts be documented or per LWDB/Program policy.***

### Alternate Education (Alternative, Adult Education, Youth Build, Job Corps):

Written documentation from educational program indicating that participant is enrolled and attending.

Alternate School:

Reference [NRS 388.537](#), [388.820-388.874](#) and [389.155](#)

Assessment and Date Administered: Reference DEV, EmployNV User Manual and LWDB policy.

Assessment/Initial Requirements:

Assessments should focus on strengths rather than just focusing on areas in need of improvement. Assessments must be valid, appropriate and provide reasonable accommodation for the target population. For purposes of the basic skills assessment portion of the objective assessment, local programs are not required to use assessments approved for use in the Department of Education's National Reporting System nor are they required to determine an individual's grade level equivalent or educational functioning level (EFL), although use of these tools is permitted. Rather, local programs may use other formalized testing instruments designed to measure skills-related gains. It is important that, in addition to being valid and reliable, any formalized testing used to be appropriate, fair, cost effective, well-matched to the test administrator's qualifications, and easy to administer and interpret results. Alternatively, skills related gains may also be determined through less formal alternative assessment techniques such as observation, folder reviews, or interviews. The latter may be particularly appropriate for youth with disabilities given accessibility issues related to formalized instruments. A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment, within the last 6 months of the participant conducted pursuant to another education or training program. In contrast to the initial assessment described above, if measuring EFL gains after program enrollment under the measurable skill gains indicator, local programs must use a National Reporting System approved assessment for both the EFL pre- and post-test to determine an individual's educational functioning level. Reference Career-Related Assessments in [TEGL 21-16](#). (WIOA Sec. 129(c)(1)(B); [20 CFR § 681.290\(c\)](#); [TEGL 21-16](#) and [TEGL 21-16, Change 1](#))

At-Risk of Dropping Out of School:

As determined by school district records, policies or personnel, a youth who is experiencing a lack of academic success; a youth who has a significant number of absences or erratic attendance, which result in the youth not benefiting from school; or a youth who has behavior problems in the school setting.

Attending Any School:

Defined as an individual attending any high school program seeking a high school diploma.

Authorization to Work in US/ Employment Authorization Documentation:

Verification Documents that satisfy list A of the I-9 **or** verification document(s) that satisfy list B **and** C of the I-9 at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

Barriers to Employment Documentation:

Necessary documentation collected to confirm the barrier and as identified in the registration process.

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### Basic Literacy Skills Deficiency Documentation:

Standardized assessment tests, official school records.

### Basic Skills Deficient:

WIOA Sec. 3(5) defines “basic skills deficient” with respect to an individual:

1. who is a youth, that the individual has English reading, writing, or computing skills at or below the 8th-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.

***It is expected that basic skills deficient will be determined using an objective, valid and reliable assessment, such as the Test for Adult Basic Education (TABE) or Comprehensive Adult Student Assessment System (CASAS).*** (WIOA Sec. 3(5), [20 CFR § 681.290](#))

(a) As used in § 681.210(c)(3)[OSY], a youth is “basic skills deficient” if he or she:

- (1) Have English reading, writing, or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
- (2) 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.

(b) The State or LWDB must establish its policy on paragraph (a)(2) of this section in its respective State or local plan.

(c) In assessing basic skills, local programs must use assessment instruments that are valid and appropriate for the target population, and must provide reasonable accommodation in the assessment process, if necessary, for individuals with disabilities.

***If service providers determine a participant is basic skills deficient, the ISS and case notes must identify the methods to reduce or alleviate the deficiency or deficiencies and record the benchmarks of improvement as appropriate in the Management Information System (MIS). LWDB must have policy addressing the appropriate procedures to reduce or alleviate the identified deficiencies.***

### Basic Skills Deficient Assessment Tools:

As referenced above, Local Boards must determine, in policy, generally accepted standardized tests that are valid and appropriate for the target **population**, and which calculate the desired measures with set benchmarks for assessment results. Reference [20 CFR § 681.290\(c\)](#)

***Regardless of which assessment is used, documentation of the assessment and results must be maintained in the MIS upload/link/scan/documents function and documented in the MIS case note.***

### Case Note:

Required documenting of participant eligibility criteria, need for services, identification of required barrier(s) to education/employment, progress through all provided eligible services such as: training, support needs, attendance, testing, attainment of Measurable Skill(s) Gain(s) (MSG) and credentials,

holds, grades, completions, exits, and follow-up. Case notes are one of the comprehensive tools that document the participant's journey throughout the duration of the program. Case notes are used as a tool to help service providers organize and analyze the information gathered on participants and to communicate case management strategies. Recording case notes is critical because it weaves each service element into the comprehensive service plan.

Certificate or Degree Attainment Documentation:

Transcript, certificates, diploma, letter, or other documentation from the school system.

Compulsory School Attendance:

A youth who is within the age of compulsory attendance but has not attended school for at least the most recent complete school year calendar quarter based on how the local school district defines its school year quarters.

Reference [20 CFR § 681.210\(c\)\(2\)](#)

Except as otherwise provided by law, each parent, custodial parent, guardian, or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school. Reference [NRS 392.040](#)

Concurrent Enrollment:

(a) individuals who meet the respective program eligibility requirements may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local program operators may determine, for these individuals, the appropriate level and balance of services under the youth and adult programs.

(b) Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure no duplication of services.

(c) Individuals who meet the respective program eligibility requirements for WIOA youth Title I and Title II may participate in Title I youth and Title II concurrently. A local program should determine the appropriate program for the participant based on the service needs of the participant and if the participant is career-ready based on an objective assessment of their occupational skills, prior work experience, employability, and participants needs as required in WIOA Sec. 129(c)(1)(A). Reference [20 CFR §§ 681.430-440](#)

***LWDB must have policy or procedure describing what method will be used and monitor these records in the MIS to maintain accurate reporting.***

Credential, Certificate, Degree Date Attained:

Transcript, certificates, diploma, letter, or other documentation from the school system. Attainment date (date on form) must match MIS month, day and year.

Credential Type Documentation:

Transcript, certificates, diploma, surveys, case notes.

#### Cultural Barriers:

If the participant, at program entry, perceives him or herself as possessing attitudes, beliefs, customs or practices that influence a way of thinking, acting or working that may serve as a hindrance to employment. ([WIOA Participant Individual Record Layout \(PIRL\)](#))

#### Date of Birth/Age:

Electronic copy of one of the following that shows proof of date/age on its surface; baptismal record, birth certificate, DD-214, report of transfer or discharge paper, Federal/ State driver's license or identification card, passport, hospital record of birth, public assistance/social service records, official school records or ID card, work permit, crossmatch with Department of Vital Statistics or tribal records.

#### Data Collection Requirements/Recordkeeping:

Section 185 of WIOA requires recipients of Title I to keep records that are sufficient to permit the preparation of reports required by Title I and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent unlawfully. All information required by federal, state, and local reporting requirements must be collected for each youth participant, including documentation of each eligibility piece, employment authorization, those required by DOL's Data Element Validation, forms identifying participation/costs toward the individual's training, support services or incentive payments and as required for the types of service the individual has received. Each item data point must be clearly defined in case notes. The MIS contains upload/link/scan documentation capabilities. Verify buttons which result in a dropdown table are strategically placed within the system. The upload associated with the MIS file document(s) must be legible and match SCP requirements and verify table selection. ***Legible back up documentation to substantiate eligibility must be kept in MIS file and available upon request and/or during monitoring.*** (WIOA Sec. 185; [20 CFR § 683.220](#); Reference [SCP 5.4](#))

***The local boards are required to establish written policy for data collection and handling to ensure the quality and integrity of data over time. This includes standards for data verification, data validation and data security.*** The purpose is to ensure resulting electronic databases, participant files and reports are certifiably accurate up to and including participant exit and through all storage requirements.

#### Determination of School Status:

Determination of whether a youth participant is an OSY or ISY is made at the time of program enrollment. Once the school status of a youth is determined, the school status remains the same throughout the youth's participation in the WIOA Title I program.

#### Disability:

For this policy and with respect to an individual, the individual has a physical (motion, vision, hearing) or mental (learning or developmental) impairment which substantially limits one or more of such person's major life activities and has a record of such impairment or is regarded as having such impairment. Major life activities include, but are not limited to: caring for oneself, performing manual tasks, communicating, learning, mobility, self-direction, concentrating, and working.

#### Disabled Youth:

For an individual with a disability, income level for eligibility purposes is based on the individual's own income rather than his or her family income. WIOA Sec. 3(36)(A)(vi) states that an individual with a disability whose own income meets the low-income definition in clause (ii) (income that does not exceed the poverty line or 70 percent of the lower living standard income level) but is a member of a family whose income exceeds this income requirement is eligible for youth services. Reference [20 CFR § 681.280](#); [TEGL 21-16](#)

#### Displaced Homemaker Documentation:

Divorce decree, death certificate, layoff notice, UI records, letter from social services, applicant statements, bank statements, or other applicable documentation.

#### Documentation:

Physical evidence, such as records, certificate and identification cards which can be photocopied and are obtained during the verification process or during participation and is maintained in participant files/MIS. Such evidence would be copies of documents, completed telephone/document inspection forms, signed self-certification, applicant statement or case notes as appropriate.

#### Documents that establish both Identity and Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST A at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

#### Documents that establish Employment Authorization:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST C at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

#### Documents that establish Identity:

Reference Department of Homeland Security U.S. Citizenship and Immigration Services List of Acceptable Documents LIST B at <http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>

#### Dropout Status:

The term School Dropout means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Local WIOA youth programs must verify a youth's dropout status at the time of WIOA youth program enrollment. A youth attending an alternative school at the time of enrollment is not a dropout. States must define "alternative school" in their State Plan. The definition should be consistent with their State Education Agency definition, if available. An individual, who is out- of-school at the time of enrollment and subsequently placed in an alternative school or any school, is an out-of-school youth for the purposes of the 75 percent expenditure requirement for OSY. Reference WIOA Sec. 3(54); [20 CFR § 681.240](#) and [TEGL 8-15](#)

***The State defines alternative school as outlined in NRS 388.537, 388.820-388.874, 389.155.***



Note: The term school dropout does not include individuals who have dropped out of postsecondary education.

Education Offered Concurrently with and in the Same Context as Workforce Preparation Activities and Training for a Specific Occupation or Occupational Cluster:

This program element reflects the integrated education and training model and describes how workforce preparations activities, basic academic skills, and hands-on occupational skills training are to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway. Reference WIOA Sec. 129(c)(2)(E); [20 CFR § 681.630](#) and [TEGL 21-16](#)

Educational attainment one or more grade levels below the grade level appropriate for individual's age:

School records, school verification; including case notes indicating the case manager has viewed and verified any of the listed documents.

Eligible Migrant and Seasonal Farmworker:

Data to confirm eligibility per WIOA Sec. 167(i).

Eligible Veteran Status:

DD-214, crossmatch with veteran's data, letter from Veteran's Administration.

Employability:

A demonstrated level of knowledge, skills, abilities, work behaviors and attitudes necessary to compete successfully in the labor market.

Employed at Participation:

An individual employed at the date of participation who did any work at all as a paid employee, in his or her own business, profession or farm, worked as an unpaid worker in an enterprise operated by a member of the family, or is one who was not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

Employment after 2nd, and 4th Exit Quarter:

Supplemental through case management, survey, verification with employer, wage record systems, case notes, follow-up.

Employment Status at Participation:

Self-Attestation form, registration/application, or a case note.

Enrolled in Education:

Applicable records from educational institution to certify enrollment, case note with verification

from educational institution or training provider that participant is enrolled in education.

English Language Learner/ Limited English Proficiency:

The term “English language learner” when used with respect to an eligible individual, means an eligible individual who has limited ability in reading, writing, speaking, or comprehending the English language, and -

- (A) whose native language is a language other than English; or
- (B) who lives in a family or community environment where a language other than English is the dominant language. Reference WIOA Sec. 3(21), 203(7)

Exemption:

See Other Reason for Exit.

Family:

The term “family” is defined in [20 CFR § 675.300](#) as 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 married couple and dependent children
- A parent or guardian and dependent children
- A married couple
- Domestic partners registered with the State of Nevada ([Per TAG 14-1](#))

“Dependent children” as referenced above shall include those children living in a single residence with parent(s) or guardian(s) and who DO NOT meet the definition of “independent child” based on the Free Application for Federal Student Aid (FAFSA) guidelines.

Use the definition of “family” to arrive at the correct number for family size. This information must be recorded in the MIS system. Additionally, 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 and/or income calculations.

Family Income:

WIOA includable income received by all members of the family during the six-month period prior to application/registration, annualized by multiplying the six-month income by two (6-month income x 2). The composition of the family is determined as of the date of the application/registration. Therefore, the income of prior family members who may have comprised part of the family during the past six months, but are no longer members of the household (e.g., a divorce, separated or deceased spouse, or other family member) would not be counted for income determination purposes. Only the income of members of the current family should be counted and applied against the current family size. Reference Family definition above and WIOA Sec. 3(13), 129(a)(2), [TEGL 21-16](#) and [TEGL 21-16, Change 1](#).

Inclusion for Family Income

1. Gross wages and salaries before deductions: Total money earnings received from work performed

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as an employee. If a family's only source of income was from wages and salary payments, family income would be equal to gross wages and salary received.

2. Income from non-farm self-employment: Net income (gross income minus operating expenses) from a business or other non-farm enterprise in which a person is engaged on his/her own account. If the business or enterprise has suffered a loss, this loss will be allowed to offset wage earnings.
3. Income from farm self-employment: Net income from farm self-employment (income from a farm which operates as an owner, renter, or sharecropper, after deductions for farm operating expenses).
4. Social Security Disability Insurance (SSDI): pays benefits to individuals that have worked in the past, paid Social Security taxes, and are currently unable to work for a year or more because of disability. SSDI is considered an income replacement. SSDI is different from Supplemental Security Income (SSI).
5. Military family allotments or other regular support from an absent family member or someone not living in the household.
6. Money received from such sources:
  - a) Governmental and non-governmental pensions; (including military retirement pay)
  - b) Regular payments from railroad retirement benefits, strike benefits from union funds, worker's compensation, and training stipends;
  - c) Alimony;
  - d) Merit-based scholarships, fellowships, and assistantships
  - e) Dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings;
  - f) Terminal leave pay, severance pay, or a cash-out of accrued vacation leave;
  - g) Disaster relief employment wages;
  - h) On-the-job training wages;
  - i) Unemployment compensation;
  - j) Child support payments; and
  - k) Old age survivors' insurance payments received under [Sec. 202 of the Social Security Act \(42 U.S.C. 402\)](#).

#### Exclusion for Family Income

1. Federal non-cash benefits such as: Medicare, Medicaid, Food Stamps, School Lunches, and Housing Assistance;
2. Assets drawn down as withdrawals from a bank;
3. Public Assistance Payments: Payments received under Temporary Assistance to Needy Families (TANF), SSI, General Assistance (GA), Refugee Cash Assistance (RCA);
4. One-time cash payments, which include: tax refunds; loans (which are debt and not income); one-time insurance payments or compensation for injury; gifts and lump sum inheritances;
5. Job Corps payments;
6. Cash value of an employer-paid or union-paid portion of health insurance or other employee fringe benefit;
7. Cash value of food or housing received in lieu of wages;

8. Payments received under the Trade Readjustment Act of 1994;
9. Needs-based scholarship assistance;
10. Financial assistance under Title IV of the Higher Education Act: e.g., Pell Grants; BEOG Grants; Federal Supplemental Educational Opportunity Grants and Federal Work Study; PLUS; Stafford; and Perkins loans (like any other kind of loan are debt and not income);
11. Stipends received in the following programs: Vista, Peace Corps, Foster Grandparents Program, Retired Senior Volunteer Program, Youth Works/AmeriCorps program;
12. Foster childcare payments;
13. All WIOA payments except OJT; and
14. Income earned while a veteran was on active military duty, and certain other Veteran's Benefits: e.g., compensation for a service-connected disability and service connected death; vocational rehabilitation; education assistance. When a Federal statute specifically provides that income or payments received under such statute shall be excluded in determining eligibility for the level of benefits received under any other Federal statute, such income or payments shall be excluded in WIOA eligibility determination.

***LWDB's must have a written policy as to includable and excludable forms of income to calculate low-income eligibility.***

Follow-Up Services:

Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIOA status forms indicating service received.

Foster Care Youth:

An individual in foster care or who 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 (42 U.S.C. 677), or in an out-of-home placement. This includes youth who were formerly in foster care but may have returned to their families before turning 18. Reference [20 CFR § 681.210-220](#); [TEGL 21-16](#)

Free and Reduced-Price Lunch:

WIOA Sec. 3(36) defines a low- income individual to include an individual who receives (or is eligible to receive) a free or reduced-price lunch under the Richard B. Russell National School Lunch Act. While this primarily applies to ISY, an OSY who 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 the OSY based on their child's low-income qualifications. Reference [20 CFR § 681.270](#); [TEGL 21-16](#)

Free/Reduced-Price Lunch Documentation:

Written documentation from school/district showing that the individual or entire school/district is eligible.

General Assistance:

Public assistance records/printout, copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance identification card showing grant status, statement from social service agency, refugee assistance records, other applicable documentation.

Governors Special Barriers to Employment:

Field in EmployNV. Nevada has not defined this term and it is not in use currently.

Guardian:

For WIOA youth applicants, the term “guardian” refers to any adult, 18 years of age or older who is providing housing and/or financial support to the youth regardless of legal status.

Highest Education Level Completed Documentation:

Self-Attestation, other applicable documentation.

High Poverty Area:

A youth, ISY and OSY, 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, Indian Reservation, tribal land, or Native Alaskan Village or county that has a poverty rate of at least 30 percent as set every 5 years using American Community Survey 5-Year data. A youth qualifies as low income if the youth lives in a high poverty area.

***LWDB must have written policy/procedure to determine these criteria.*** Reference WIOA Sec. 129(a)(2); [20 CFR § 681.260](#); [TEGL 21-16, Change 1](#)

LWDB’s should use the information found on the website to map out high poverty areas in their local workforce area at least once every five years. This information must be communicated and monitored to the program level. Programs must document this in case notes and upload relevant information into EmployNV. Reference [TEGL 21-16, Change 1](#)

Homeless:

(WIOA Sec. 3(25), 129(a)(1), [Section 725\(2\) of the McKinney-Vento Homeless Assistance Act](#))

The term homeless, homeless individual or homeless person includes:

An individual who lacks a fixed, regular, and adequate nighttime residence; and includes:

1. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or awaiting foster care placement;
2. Children and youth 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;
3. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children who qualify homeless because the children are living in circumstances described in

items 1-3 above.

Homeschooling:

WIOA programs must classify ISY or OSY based on state or local educational agency. If the applicant has received educational service or participated in other school activities, they should be considered ISY. ***If the applicant has not attended any school or received any educational services funded by the K-12 school system for the last quarter (9 weeks), meets the age requirements and provide proof with a copy of the Written Acknowledgement Letter, they should be considered OSY.*** Reference WIOA Sec. 204; [NRS 392.070](#)

Homeschooling Written Acknowledgement Letter:

Letter provided by a school district which indicates that the parent(s) have provided the notice required by law.

In School:

Applicable records from an educational institution.

Individual Service Strategy (ISS):

Upon participation/enrollment into the WIOA youth program, a participant must work in cooperation with a case manager to develop, based upon an objective assessment and career planning, an individual service strategy (ISS) that identifies career pathways that include education and employment goals, and identifies achievement objectives and an appropriate mix of services. It should be reviewed and updated as appropriate. Reference LWDB policy and EmployNV User Guide for Staff. Reference WIOA Sec. 129(c)(1)(B); [20 CFR § 681.420](#)

Individual with a Disability: ([Americans with Disabilities Act of 1990, As Amended, 42 U.S. Code 12102](#))

The term disability means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A record of such impairment; or
3. Being regarded as having such impairment.

Note: Excludes transitory impairments with an actual or expected duration of six months or less.

Individual with a Disability Documentation: (for income eligibility purposes)

Self-attestation is acceptable.

Initial Assessment:

To determine whether the program can benefit the individual (suitability) and identify activities and services that would be appropriate, an assessment of the participant is necessary. Initial assessment is part of the overall intake process and includes the initial determination of each participant's employability, aptitudes, abilities, and interests, through interviews, testing and counseling.



### Lacks Occupational Goals or Skills:

A youth who lacks the proficiency to perform tasks and technical functions of occupations at entry, intermediate or advanced levels. A youth who has not worked; has a poor work history (to include no work history); or has been fired from a job in the last six calendar months; or has a sporadic work history generally lacks occupational goals/skills.

### Literacy:

An individual's ability to read, write, and speak in English, compute, and solve problems, at levels of proficiency necessary to function on the job, in the family of the individual, and in society.

### Low-Income:

(A) In General - The term "low-income individual" means an individual who—

(i) receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program 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 program under part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.), or 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;

(ii) is in a family with total family income that does not exceed the higher of—

(I) the poverty line; or

(II) 70 percent of the lower living standard income level;

(iii) is a homeless individual (as defined in Sec. 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 Sec. 725(2) of the [McKinney-Vento Homeless Assistance Act](#) (42 U.S.C. 11434a (2)) [no additional criteria required to meet low-income determination];

(iv) 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.) [[20 CFR § 681.270](#)];

(v) is a foster child on behalf of whom State or local government payments are made; [no additional criteria required to meet low-income determination]; or

(vi) is an individual with a disability whose own income meets the income requirement of clause (ii), but who is a member of a family whose income does not meet this requirement.

Note: As provided in [20 CFR §§ 681.210 and 681.250](#), [TEGL 21-16](#) and [TEGL 21-16, Change 1](#), if the youth is OSY, the low-income requirement applies only to the following categories -

- a recipient of a secondary diploma or its recognized equivalent who is either basic skills deficient or an English language learner; and
- an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.

All ISY must be low income unless they are served under the five percent exception.

There are circumstances where only the youth's income is considered in determining whether the youth satisfy 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. Reference [TEGL 21-16](#)

#### Items Excluded from Income:

See Family Income. Calculation are defined in WIOA Sec. 3(36) and include income earned while the veteran was on active military duty, as well as other specifics detailed in [20 CFR § 667.255](#).

#### Homeless and Foster Care Youth:

A homeless individual aged 16 to 24 who meets the criteria defined in Sec. 41403(6) of the violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), a homeless child or youth aged 16 to 24 who meets the criteria defined in sec. 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)) or a runaway. (WIOA Sec. 129(a); 20 CFR §§ [681.210](#) and [681.220](#))

#### Low Income Determination:

(WIOA Sec. 3(36); WIOA Sec. 129(a)(2), [20 CFR § 681.250](#), [TEGL 21-16](#), [TEGL 21-16, Change 1](#))

#### Low Income Exception:

WIOA allows a low-income exception where five percent of all WIOA youth participants may be participants who ordinarily would be required to be low-income for eligibility purposes and who meet all other eligibility criteria for WIOA youth except the low-income criteria. A program must calculate the five percent based on the percent of newly enrolled youth served by the program in the local area's WIOA youth program in a given program year. Reference [20 CFR § 681.250\(c\)](#)

#### Low Levels of Literacy:

Documentation, that the participant is unable to read, write, and speak English; compute and solve problems at levels of proficiency necessary to function on the job, in the family of the participant, or in society.

#### Lower Living Standard Income Level (LLSIL):

Based on family income, the term “lower living standard income level” means that 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. A youth is considered low income if the youth is in a family with the 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 (disabled youth) is considered. This is issued from the state each year in memo form. It must be disseminated to service providers upon issuance. Reference WIOA Sec. 36(B); [TEGL 21-16](#)

#### What Counts as Income:

See Family Income. WIOA programs must include monetary compensation for services i.e. wages, tips, salary, commissions or fees before any deductions, payments of unemployment compensation, child support payments and Social Security benefits not described in WIOA Sec. 3(36) as income (list not all inclusive) determining eligibility based on low-income status for the complete six-month period prior to application. Excluded income (income that does not count towards the eligibility calculations) is defined in WIOA Sec. 3(36).

***LWDB must have written policy of all includable income requirements for use with low-income calculations.***

Note: Family (family size) is defined in [20 CFR § 675.300](#); [TAG 14-1](#). Additionally, if an individual is not living in a single residence with other family members, that individual is not a member of a family for the purposes of WIOA income calculations ([TEGL 21-16](#)). Required documentation, file/MIS, per LWDB requirements.

Measurable Skills Gain:

- Education Achievement: Documentation that participant achieved at least one educational functioning level in an education program that provides instruction below a post-secondary level.
- Secondary/Post-Secondary Transcript/Report Card: Documentation from education institution for one academic year (or 24 credit hours) showing participant is achieving the state unit's policies for academic standards.
- Training Milestones: Documentation from employer/training provider participant had a satisfactory or better progress report towards established milestones. (e.g. completion of OJT, completion of one year of registered apprenticeship programs, etc.)
- Skills Progression: Documentation participant successfully completed a required exam required for a particular occupation, or progress in attaining technical or occupational skills as evident by trade-related benchmarks such as knowledge-based exams. Reference [TEGL 10-16, Change 3](#)

Data must match documentation scanned into State MIS.

Measurable Skills Gain, Date of Most Recent Documentation:

Record data in MIS, dates must match documentation scanned into State MIS.

Most Recent Date Received Educational, Summer Employment or Leadership Opportunities Documentation:

Activity/sign in sheets, attendance records, vendor contact, State MIS, case notes, WIOA status forms indicating service received.

Native American Populations Documentation:

Documentation collected to prove eligibility per WIOA Sec. 166(b).

#### Nondiscrimination:

No individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex, national origin, age, disability, political affiliation, or belief. Participation in programs and activities must also be available to citizens and nations of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Individuals with employment authorization may access any WIOA services for which they otherwise would qualify. Reference WIOA Sec. 188

#### Nonimmigrant Alien Authorization to Work for a Specific Employer because of status:

- a. Foreign passport; and
- b. Form I-94 or Form I-94A that has the following:
  1. The same name on the passport and
  2. An endorsement of the alien's nonimmigrant status if that period of endorsement has not yet expired, and the proposed employment is not in conflict any restrictions or limitations identified on the form.

#### Not Attending School:

The youth is at an age where they are required to attend school, do not have an exception to the regular school attendance as outlined in NRS, or have not graduated. However, the provider of youth services must make school attendance a priority and provide services outside of the regular school day. Through the ISS, the provider of youth services makes school attendance a priority by providing services that direct youth back to school. The first goal of the ISS must be to have the youth participant return to school. The provider of youth services can also provide services that encourage regular school attendance, such as counseling, tutoring, or exploring career options.

#### Objective Assessment:

A process that identifies the academic levels, skill levels, and service needs of each participant. Such assessment shall also include a review of basic skills, occupational skills, prior work experience, employability interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs for the purpose of identifying appropriate services and career pathways for participants. Youth also need access to reliable information about career opportunities (based on labor market information) that provide living wage, including information about education, entry requirements, and income potential. Youth with disabilities may also need information on benefits planning, workplace support (e.g., assistive technology), and accommodations, and may also benefit from less formalized career-related assessment such as discovery techniques. Reference WIOA Sec. 129(c)(1)(A); [20 CFR § 681.420](#); [TEGL 21-16](#)

#### Offender/Justice Involved:

(WIOA Sec. 3(38); [TEGL 21-16](#))

The term “offender” means an adult or juvenile -

- (A) who is or has been subject to any stage of the criminal justice process, and for whom

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services under this Act may be beneficial; or  
(B) who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction.

Offender (ex) Documentation:

Documentation from juvenile or adult criminal justice system, documented phone call with court or probation representatives, WIOA intake or registration form, self-attestation.

Other Public Assistance Documentation:

Copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance records, refugee assistance records, crossmatch with public assistance database.

Other Reason for Exit (exemption):

Information from partner services MIS systems, WIOA status/exit form, case notes, information from institution or facility.

Out of Home Placement:

Foster care, including family foster care, kinship care, treatment foster care, and residential and group care. Out of home placements for custody and non-custody children must ensure that the safety, wellbeing, permanency, and best interests of the child are met. When a child is taken into protective custody or requires a placement change, the child welfare agency will identify the best placement for the child that will meet their unique, individual needs and limit the amount of trauma experienced by the child due to their removal from their home or change in placement. Reference Titles IV-E and IV-B of the Social Security Act 42 U.S.C. §§ 620-632, 670-679 as amended by: [Adoption and Safe Families Act of 1997](#) (ASFA), P.L. 105-89; [Fostering Connections to Success and Increasing Adoptions Act of 2008](#), P.L. 110-351, and [Child and Family Services Improvement and Innovation Act of 2011](#), P.L. 112-34; [NRS 127; 128; 432B.457; 550 NAC 432B.250; NAC 424.](#)

Out of Home Placement Documentation:

Letter from appropriate State/local social service agency, self-attestation, telephone verification with governmental agency, other applicable documentation.

Out of School:

For school drop outs or individuals that have not attended school for at least the most recent complete school year calendar quarter; appropriate school/justice records notating required documentation, secondary school diploma or its equivalent recipient who is basic skills deficient or an English language learner or self-attestation.

Participant:

An individual who has been determined to be eligible to participate in and who is receiving services (except follow-up services authorized under this title) funded by a WIOA Title I program in either a physical location or remotely through electronic technologies. Participation shall be deemed to

commence on the first day, following determination of eligibility, on which the individual began receiving services provided under this title.

Pell Grant:

The Federal Pell Grant Program provides need-based grants to low-income undergraduate and certain post baccalaureate students to promote access to postsecondary education.

Postsecondary Educational Institute:

(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

(B) a tribally controlled college or university; or

(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level. Reference [NRS 396](#), [NAC 394](#) and WIOA Sec. 203(14)

Pregnant or Parenting:

An individual who is parenting can be a mother or father, custodial or non-custodial as long as at time of participation(enrollment) the youth is within the WIOA youth age eligibility. A pregnant individual can only be the expectant mother. Reference [TEGL 21-16](#)

Pregnant or Parenting Youth Documentation:

Copy of child's birth certificate, baptismal record, observation of pregnancy status, doctor's note confirming pregnancy, intake/registration forms, self-attestation.

Priorities Established by the Governor or Local Boards:

Local Boards must define local priority for use of this field in MIS.

Refugee Cash:

Public assistance records/printout, copy of authorization to receive cash public assistance, copy of public assistance check, medical card showing cash grant status, public assistance identification card showing grant status, statement from social service agency, self-attestation, telephone verification with governmental agency, other applicable documentation.

Release of Information:

State and federal privacy laws were enacted to safeguard an individual's privacy from the misuse of federal and state records and to provide individuals access to their records. Access to files should be granted on a "need to know" basis. If other agencies, prospective employers, or other individuals request access to information in a file, authorization of release for the information should be obtained from the participant. Access to the records from other agencies may also require authorization for the release of information.

Required/Acceptable File/MIS Documentation:

The MIS contains upload/link/scan documentation capabilities. Verify buttons which result in a drop-down table are strategically placed within the system. The upload associated with the verify buttons, or hard case



file document(s) must be legible and match SCP/DEV requirements and verify table selection. ***Legible back up documentation to substantiate eligibility must be kept in MIS file and available upon request and/or during monitoring.*** For additional guidance see [SCP 5.10 Paperless/ Electronic Participant Records Policy](#).

Note: When given the choice of “Other Applicable Documentation” this does not include using self-attestation or applicant statements.

Runaway Youth:

A runaway is a person under 18 years of age who absents themselves from home or place of legal residence without the permission of his or her family.

Runaway Youth Documentation:

Written statements from an individual providing residence, shelter, or social service agency, WIOA intake/registration form, self-attestation.

School Dropout:

The term “school dropout” applies to an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. Youth enrolled in alternative schools are not school dropouts. Dropping out of post-secondary school does not qualify.

School Status at Exit:

Transcripts, certificate, diploma, survey, case notes.

School Status at Participation:

Applicable records from education institution (certificate, diploma, attendance record, transcripts, drop out letter, school documentation), State MIS, WIOA intake/registration forms, self-attestation.

Secondary Education:

Grades 6-12 unless otherwise noted.

Section 477 Social Security:

Letter from appropriate state/local agency, self-attestation, telephone verification, other applicable documentation.

Selective Service Registration:

US citizens or immigrants who are assigned male at birth and changed their gender to female are still required to register. Individuals who are assigned female at birth and changed their gender to male are not required to register. Male applicants born on or after January 1, 1960 must be registered with the U.S. Selective Service within 30 days of their 18th birthday. This includes participants who turn 18 while participating in the program. Those who have not yet registered should be referred for registration prior to WIOA enrollment/participation at <https://www.sss.gov/>. Reference [TEGL 11-](#)

[11, Change 2](#), which details the requirements for citizen and non-citizen applicants.

Selective Service Registration Requirements:

Each male individual participating in any program or activity established under WIOA, or receiving any assistance or benefit under WIOA, must comply with Section 3 of the Military Selective Service Act. ***Local Boards must have a written policy addressing Selective Service compliance.*** Reference WIOA Sec. 189 (h); [TEGL 11-11, Change 2](#)

Self-Attestation:

Self-attestation (also referred to as a participant or applicant statement) occurs when a participant (applicant) states his or her status for a particular data element, such as pregnant or parenting youth, and then signs and dates a form acknowledging this status. The key elements for self-attestation are: (a) a participant (applicant) identifying his or her status for a permitted data element and (b) signing and dating a form (or application) attesting to this self-identification (with a disclaimer concerning the self-identification). While other documentation sources are preferred when practical, self-attestation is an important option for populations with barriers to obtaining eligibility and reporting documents and help ensure equitably access to services. These forms of documentation are only allowed in certain circumstances and as a last resort due to Federal requirements in DEV. Reference Required/Acceptable File/MIS Documentation later in this policy. Reference [TEGL 23-19, Change 1](#)

Social Security Disability Insurance Income (SSDI):

Public assistance records, copy of authorization to receive cash public assistance, medical card showing cash grant status, public assistance identification card showing grant status, statement from social service agency refugee assistance, crossmatch with public assistance database, other applicable documentation.

Social Security Number (SSN):

Social security card, Social Security Administration printout that contains the applicants' name and social security number.

State MIS:

For policy and DEV, State MIS refers to specific, detailed information that is stored in the state's information system that supports a data element. Reference [TEGL 23-19, Change 2](#)

Substantial Cultural Barriers:

Indicated in MIS and ISS.

Ticket to Work:

Social Security Administration: Ticket to Work expands the vocational services available to people on Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) and provides additional protections to people's disability benefits as incentives for them to attempt to return to work.

Unemployment Compensation (UC/UI) Documentation:

UC/UI records (benefits history, wage records), other applicable documentation.

Unemployment Eligibility Status/ UC Eligibility Status/Claimant:

Payments made by the state or other authorized bodies to unemployed people. Unemployment Insurance status as a claimant; receiving unemployment compensation benefits. Unemployment Insurance status as an exhaustee; has received, prior to such week, all the regular compensation that was available under applicable State law or any other State law. Reference [20 CFR § 615.5](#)

Veteran's Status Documentation:

DD-214, crossmatch with veteran's data, letter from Veteran's Administration.

Within Compulsory Age Documentation:

School records, self-attestation, other applicable documentation.

Within 2 Years Exhaust TANF Documentation:

Applicable documentation accompanied by a case note.

Work History:

Appropriate documentation indicating participant's employment title, wage, experience, skills, and employer. At a minimum, work history must adequately document skills and abilities related to employment. Documentation needed only when applicable/available.

Youth Placement Information:

Crossmatch with other agencies, apprenticeship verification, documentation from military service, advanced training, post-secondary education, transcripts, registration forms, employer contact, wage records, case notes.

Youth Retention Information:

Crossmatch with other agencies, apprenticeship verification, documentation from military service, advanced training, post-secondary education, transcripts, registration forms, employer contact, wage records, case notes indicating contact with agency knowledgeable of said required information.

Youth who Needs Additional Assistance to Enter or Complete an Educational Program or to Secure or Hold Employment Documentation:

School records, medical or social services referral, criminal or civil referral, acceptable standardized test scores, WIOA intake or registration forms, self-attestation, other applicable documentation that would substantiate an eligibility item specified earlier in this policy.

Self-attestation, telephone verification forms and or participant applications must be completed in their entirety dated and signed by the appropriate parties and participant and contain all relevant information the form is intended to provide. In addition, the use of self-attestation, where applicable,

should be used as the last resort and only when all other avenues of proof have been exhausted.

All Grantees must take the steps necessary to ensure the privacy of all Personally Identifiable Information (PII) obtained from participants and/or other individuals and to protect such information from unauthorized disclosure. Reference [TEGL 39-11](#)

Note: Additionally, reference DEV Source Documentation Requirements released from DOL ([TEGL 23-19, Change 2, Attachment II](#)) and [TAG 15-1](#) for MIS data entry/reporting requirements. Reference EmployNV User Guide for Staff