

ATTACHMENT 16: WIOA Title I Eligibility Q&A
September 2015

A. OUT-OF-SCHOOL AND IN-SCHOOL YOUTH

1. WIOA Out-of-School Definition for Post-Secondary School: What is the revised definition for this category of youth eligibility?

CDLE Response: The definition no longer allows youth in non-demand occupational programs to be considered out-of-school. The definition now reads:

“Because WIOA exempts adult basic education programs from its definition of in-school, and there is no state definition for out-of-school related to post-secondary education, CDLE has determined that a youth enrolled in post-secondary remedial classes only should also be considered out-of-school.”

2. I want to clarify, for Post-Secondary - if the person is taking a math class, not remedial math, which is required to get their degree for their welding degree, that would count as an in-school youth?

CDLE Response: This youth would be considered in-school because this class is required for their welding degree.

3. Are GED students eligible for the youth program?

CDLE Response: GED students taking classes outside the K-12 system would be considered out-of-school and would be eligible for the youth program if they meet the age and barrier eligibility requirements in addition.

4. Is foster care youth among the barriers for in-school? Is aging out of foster care included as a barrier group?

CDLE Response: Foster care youth are included in the Homeless definition for both in-school and out-of-school barriers. This also includes those that have aged out of foster care.

5. Can the time a youth was not attending at the end of a school year be calculated with the time they miss at the beginning of the next school year to total a full quarter?

CDLE Response: In WIOA section 129, the exact language of this category reads:

“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.”

CDLE believes the intent of the law is three consecutive months of the most recent school year, and not parts of two different school years. So, the PGL will read:

*“**Not Attending Secondary School:** 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 (three consecutive months within a single complete school year and not split between 2 school years).”*

6. Is an Adult Basic Education student considered out-of-school?

CDLE Response: Yes, per WIOA.

7. If a youth has dropped out of public high school and is attending an on-line high school, how do we know if they are in-school or out-of-school?

CDLE Response: According to the Colorado Department of Education, a youth attending an on-line high school is considered in-school if he/she is attending 90 hours or more of class time per semester.

8. Can a youth 22-24 be counted as a dropout for the youth program, or must a dropout be no more than 21, which is the maximum age for those in secondary school? Can a youth 22-24 with no diploma or GED qualify under the dropout barrier?

CDLE Response: A dropout is defined as “an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.” Based on this definition, a youth may be up to age 24 and considered a dropout. In addition, a youth 22-24 without a diploma or GED must not be attending any school to qualify under this youth barrier.

9. For out of school youth was is the required documentation to prove dropout status? Currently we use the application to capture school status and are curious what we need to get additionally.

CDLE Response: The preferred method is school records, but a signed application can be used for self- attestation.

10. Are youth in the Truancy Court process considered to be dropouts?

CDLE Response: Students at any stage in court proceedings to compel compliance with the compulsory attendance statute who have not yet returned to school shall be counted as dropouts.

11. If a youth is in court-ordered Truancy Court, are they considered out-of-school?

CDLE Response: Truancy court involvement is not generally used to determine if a student is an out-of-school youth. It is used as a last resort to enforce compulsory attendance. A student may still be enrolled and wouldn't automatically be considered out of school; however, if the student attests that he hasn't been attending during his court involvement, and does intend to return to school, he could be considered out-of-school, as well as a dropout.

12. If a parent signs a waiver for a youth (16 years of age) to no longer attend high school, are they considered to be an out-of-school youth?

CDLE Response: The Compulsory School Attendance law does not provide for a waiver to pull a student from school attendance; however, there is an age waiver to take the GED at 16. Here is the link for more information on the GED age waiver, which includes special conditions and documentation: http://www.cde.state.co.us/postsecondary/ged_agewaiver.

If the youth is approved for the waiver, takes and passes the GED, or otherwise drops out of school, then he may be considered as out-of-school.

13. For in-school or out-of-school youth, can we accept the applicant statement or self-attestation if there are no school documents available?

CDLE Response: Yes, the applicant statement or self-attestation may be used as the method of last resort to document in-school or out-of-school status.

14. What type of documentation is needed to document a disability? What documentation should we get if a youth's IEP is more than a year old? May a case manager observe a disability, or may we use self-attestation to document a disability when formal documentation is more than a year old?

CDLE Response: You may use case manager observation in a case note or self-attestation to document a disability if an IEP or other formal documentation is more than a year old. Other forms of formal documentation are listed in the Youth Program Eligibility section of the WIOA Eligibility PGL that is published at www.colorado.gov/cdle/pgl.

15. What guidance can the state provide regarding the definition of “youth who needs additional assistance?”

CDLE Response: WIOA defines this term as an individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. Locals should consult with their Youth Council or Standing Youth Committee to determine the local criteria that further defines this group and will become part of local policy. Local policy should make these criteria as specific as possible and focused on barriers to employment not covered in any other in-school or out-of-school youth barrier categories. Your local policy should also include how each criterion is to be documented.

B. FAMILY SIZE AND LOW INCOME

1. What is the difference between the 70% LLSIL and the poverty level? How do we know when to use one or the other? Where do we find the most up-to-date chart of these levels?

CDLE Response: The law reads as follows:

“Individual is in a family with total family income that does not exceed the higher of the poverty line or 70 percent of the lower living standard”

You may use this definition, which involves looking at both standards to find the higher amount of the two, or you may set a stricter standard, such as always using the poverty line. However, you need to apply whichever standard you set in local policy on a consistent basis. Your local MIS coordinator is responsible for updating your local Connecting Colorado tables with the latest standards, which are published every spring in the Federal Register. The latest were issued in Federal Register Volume 80, Number 59 (Friday, March 27, 2015, pages 16450-16456).

2. For low income, does the free or reduced lunch count for the last 6 months like for food stamps?

CDLE Response: Eligibility for the free or reduced price lunch is determined each school year. In general, the case manager should obtain the documentation that is available for the most recent school year. If the youth has just graduated or dropped out and does not plan to return to school, the documentation available for the most recent school year may be utilized if the date of WIOA enrollment is no later than 6 months past the end of the last school lunch eligibility period.

3. When a school or school district is designated as eligible for the free or reduced price lunch program, may the school or district’s eligibility be used instead of the youth’s eligibility.

CDLE Response: USDOL does not expect an answer to this question until the final regulations come out in the spring of 2016. Until that time, case managers will need to document the individual youth’s eligibility.

4. What are examples of state or local income based public assistance in the Adult program? Housing, CCAP, LEAP?

CDLE Response: CDLE is not familiar with all the types of public assistance available, but agree that Public Housing, CCAP, and LEAP may be considered as public assistance for determining low income.

5. How will we document low income if the customer is not receiving public assistance, e.g. tax returns, pay stubs, CBMS? What about self-attestation on the application?

CDLE Response: The items listed are acceptable for documenting low income for adults or youth. A longer list of options is available in the Youth and Adult sections of the WIOA Eligibility PGL, and may include a printout from the CBMS data system that demonstrates receipt of TANF or SNAP public assistance. Self-attestation is the method of last resort for documenting low income.

6. You might want to get clarification from CDHS (Colorado Department of Human Services) about use of the Quest card to verify income eligibility. It can be issued to child care "providers" in order to pay them for services and not just to push benefits to them.

CDLE Response: We have conferred with knowledgeable staff and concur that the CDHS Quest card should not be used to document income eligibility. The PGL has been revised to reflect this.

7. What documentation can we use to prove family size?

CDLE Response: The best examples of documentation are Social Security cards, tax records, a marriage license or divorce decree, court documents, and as a last resort, self-attestation.

8. If a family member has a disability, can we count this individual as a family of one and only count their income, excluding the income of all other family members?

CDLE Response: Yes, that is true for the WIOA youth and adult programs.

9. If a client is not working but their spouse is, do we need to get the spouse's pay stubs to verify low income? If a youth in the household is working, so we have to include the youth's income?

CDLE Response: To document low income, you must get income information for all members of the family. In some cases, that income may not come from working. Please see the Adult and Youth sections of the WIOA Eligibility PGL for a full list of includable and excludable income sources.

10. If a boyfriend is living in the household, is that individual's income counted?

CDLE Response: Family is defined as individuals related by marriage, blood, or court decree. Therefore a boyfriend or girlfriend should not be counted in family size or income, unless a common law marriage has been declared by the partners.

11. Are common law marriages or civil unions the same as regular marriages for determining family size and income?

CDLE Response: Yes, in Colorado common law marriages and civil unions are legally the same, and both partners and their incomes should be counted.

12. When using the Youth in Poverty map for low income, can we select the youth age range in the drop-down list (since it is for youth)?

CDLE Response: The youth age range for the map does not relate the age of a customer; it relates to the ages of youth who participated in the census survey regarding poverty level. As a result, you should not enter anything in the age range.

13. When using the Youth in Poverty map for low income, we discovered that for many towns in Weld County, the entire town shows in poverty, not an individual census tract.

CDLE Response: This is not a problem. A high poverty area can be an individual census tract or a group of contiguous census tracts, which can be as large as a city, a county, or a group of counties.

14. When using the Youth in Poverty map for low income, does the + or – factor need to be considered?

CDLE Response: You may add the percent in poverty from the second and third columns together to reach the 30% needed to qualify as a high poverty area. You do not need to consider the – percentage in the third column.

15. When the Youth in Poverty Map has been used for low income, and the youth is being co-enrolled in the Adult Program, does the youth's income have to be re-determined?

CDLE Response: If the youth is being co-enrolled in the Adult Program, income does not have to be re-determined unless the Adult Program enrollment is more than six months later than the Youth Program enrollment and you need income for Adult Priority of Service. This is true when you use the Youth in Poverty Map or any other form of documentation for low income.

C. BASIC SKILLS DEFICIENT

1. Can you define basic skills deficient for youth? Is it below a 9th grade level or 8th grade level?

CDLE Response: When using a standardized test to determine basic skills deficient, the individual must test at the 8.9 grade level or lower, to qualify as basic skills deficient.

2. What standardized tests can be used to determine basic skills deficient – only the TABE? Could Prove-It be used?

CDLE Response: The TABE is not the only standardized test that can be used. However, Prove-It does not measure basic skills deficient and should not be used. Until the state receives definitive guidance from USDOL, we recommend using the standardized tests approved by USDOL for the Youth Literacy-Numeracy performance measure. These are listed in USDOL TEGL 17-05 and include: TABE, CASAS, ABLE, WorkKeys, and BEST.

3. Is lack of digital literacy now part of the definition of basic skills deficient?

CDLE Response: Yes, Colorado's policy is that lack of digital literacy may be used to determine basic skills deficient.

C. ADULT PRIORITY OF SERVICE

1. When adult applicants know that they do not meet low income, or any other priority of service category, must documentation occur or can self-attestation be used?

CDLE Response: Self attestation is allowed in this instance. We encourage you to obtain this information from all WIOA applicants and data enter it into Connecting Colorado so that the state can track the number of hard-to-serve individuals that we are enrolling. This is important because the performance goals set for the state by USDOL depend on this data.

2. Are local areas allowed to use residency under the first tier of adult priority of service?

CDLE Response: Residency can be used in conjunction with one of the other adult priority of service categories, such as public assistance recipient and a resident. Residency may not be used by itself as a priority of service category.

3. Can the Youth in Poverty Map be applied to adults living in a high poverty area, when determining low income for Adult Priority of Service?

CDLE Response: We have asked USDOL to allow this, but they have not yet responded. For now you will not be able to use the Youth in Poverty map for adults. CDLE will notify you regarding USDOL's response.

D. MISCELLANEOUS TOPICS

1. Tried entering a new app into Connecting Colorado this week. WIOA has not been launched yet in the system. When will this be updated?

CDLE Response: There are three aspects of CC that need WIOA changes:

- New/redefined services – The list is being finalized and updates will occur during September 2015.
- New data entry fields and revised reports – The changes are expected by September 2015.
- Eligibility Calculator – Will not be available for WIOA eligibility until updates occur during September 2015. However, please continue to enter data into the eligibility fields.

In the meantime, data entry for eligibility groups that were allowed under WIA will still work for WIOA registrations. The issue will be for those who fall into the new WIOA categories for Dislocated Workers and Youth. In consultation with the monitoring staff we've worked out an approved process for registering those customers until the new fields are available. You can put the customer in one of the current categories and just document in the notes which new WIOA category is the actual category they fall into. Once the new fields are available you will need to come back and move them into the correct category. If you are monitored in the meantime the note will cover why they're in the wrong category.

Similarly, in the case of a Youth who qualifies as low income only because of one of the new low income categories you can put them in the "FW" (five percent window) category with a note until the new low income categories are available.

CDLE will notify everyone as each segment of work is completed and becomes available for your use. Please contact your local MIS coordinator with any specific questions and issues you may have, and they will pass them along to the State MIS Team for consideration and responses.

2. Does the self-attestation document or applicant statement on the application need to be witnessed?

CDLE Response: As long as the self-attestation or application document is signed, it does not have to be witnessed. However, some local policies require a witness, such as the Rural Consortium's policy.

3. Would it be best to utilize the Application Signature page rather than the CPR printout for file documentation so that we do not have to go back and get new signatures on all of the applications for data validation when the Eligibility Calculator is updated?

CDLE Response: The Eligibility Calculator is a cross-checking tool and should never be used for documentation purposes. Please determine eligibility using appropriate documentation and get signatures on all applications for data validation purposes.

4. Will new forms be issued with WIOA changes?

CDLE Response: Applications and other forms are developed locally. Please check with your local area management or administrative team for when forms will be updated and issued.

5. The EO statement on the signature page of the application uses WIA language. Will locals be responsible for reviewing that language?

CDLE Response: Yes. Locals will need to review and change the language to reflect WIOA.

6. If the customer does NOT have the required documents needed such as a passport or birth certificate required to obtain a state identification card, can WIOA pay for those documents leading up to and including the ID card?

CDLE Response: We have discussed this possibility here at CDLE and with various youth operators over time and believe that such purchases put the program at risk of the individual getting the document and never returning to participate. At this point we are still not willing for operators to incur direct client costs for those who have not been enrolled, unless folks can offer a viable suggestion for how to avoid or reduce this risk issue.

7. Can we use CBMS documentation to verify the SSN?

CDLE Response: CBMS is the data system for the Colorado Department of Human Services and provides verification that an individual is receiving TANF or SNAP benefits. Because Human Services verifies the SSN that appears on the CBMS record, this record may be used in lieu of an SSN card for eligibility. However, in some local areas, the SSN card may be required for the individual to participate in paid work experiences or other wage subsidy programs. Also, use of the CBMS document has no impact on Data Validation, as the SSN is not a data element that falls under Data Validation review.

8. Are we still going to be able to use CUBS screens to document Dislocated Worker eligibility?

CDLE Response: Yes, the guidance regarding the use of CUBS screen and UI documents has not changed.

9. We're confused by the wording in the definition of Farm and Ranch employment in the Dislocated Worker eligibility guidelines. Does it apply to self-employed farmers or farm workers?

CDLE Response: We'll be changing the wording to clarify that the definition is referring to both those who are self-employed and those working for a farm or ranch business who lose their income from a closure or reduction in the farming or ranching operation.

10. In the new regulations, is it possible to help pay for an adult to get their GED before they move on to other training or a job? Does getting a GED have to be attached to an occupation or industry sector?

CDLE Response: Paying for GED classes and testing may occur before training or job placement and does not have to be attached to an occupation or industry sector, unless your local policy requires it.

11. Do WIOA Title I eligibility requirements apply to Adult Education Programs?

CDLE Response: No, Title I eligibility requirements do not apply to Title II Adult Education programs. These requirements are relevant to Adult Education staff only when they are considering referral of Adult Ed students to their One-Stop Center for enrollment in a WIOA Title I program.

12. May Title II Adult Education assessments be used by Title I case managers?

CDLE Response: Yes, WIOA encourages the use of assessment results provided by partners, when appropriate, to avoid unnecessary retesting of customers.