

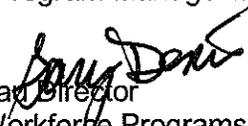
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Date May 25, 2007

To: Workforce Development Board Executive Directors
WIA Youth Program Managers/Lead Contacts

From: Gary Denis 
Acting Bureau Director
Bureau of Workforce Programs

Subject: **Workforce Investment Act (WIA) Policy Update 07-03: Cash Public Assistance and National School Lunch Program**

Purpose

This policy update replaces the definition of Cash Public Assistance and revises the policy for the youth program pertaining to the use of receipt of benefits under the National School Lunch Program to determine eligibility as a low income youth that are included in a February 27, 2002, memo entitled, "WIA Policy Updates – Youth Programs."

Legislative/Regulatory References

- WIA Federal Law, sections 101(25) and 101(37)
- WIA of 1998, Federal Regulations, Preamble (page 49344) and Sections 663.600 and 664.240

Background

A Division of Workforce Solutions WIA Policy Update – Youth Programs dated February 27, 2002, was distributed to Wisconsin's employment and training community in March of 2002. The policy update addressed a number of areas: In-School Youth to Out-of-School Youth; Skill Attainment Goals; and Public Assistance definition. It was the Division's only written documentation on the definition for public assistance under the WIA. However, it contradicts the public assistance definition in the Act. This policy update reiterates the definition of low income individual, revises and updates the cash public assistance language and revises the policy for the youth program regarding the use of the receipt of benefits under the National School Lunch Program to determine eligibility as a low income youth. Skill Attainment Goals and definitions of In-School and Out-of-School youth were addressed in WIA Policy Update 04-06. This policy update rescinds the February 27, 2002, issuance.

Low income individual

The term "low-income individual" means an individual who:

1. Receives or is a member of a family that receives, cash payments under a Federal, State or local income-based public assistance program;
2. Received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for the program, that in relation to family size, does not exceed the higher of:
 - a. the poverty line, for an equivalent period, or
 - b. 70 percent of the lower living standard income level, for an equivalent period;
3. Is a member of a household that receives (or has been determined within the 6-month period prior to application) to be eligible to received food stamps;
4. Qualifies as a homeless individual;

5. Is a foster child on behalf of whom state or local government payments are made; or
6. Is an individual with a disability whose own income meets the income requirements above, but who is a member of a family whose income does not meet those requirements.

Cash Public Assistance

For the purpose of determining eligibility for WIA services for "low income youth", and "low income adults" where priority of service policies are in effect, section 101(37) of WIA defines "public assistance" as "Federal, State or local government cash payments to an individual based on a needs or income test." Receipt of cash public assistance is one of the criteria under which an individual can be determined to be low income as defined in section 101(25) of WIA.

Cash payments such as Supplemental Security Income, State payments to individuals with a disability, and local general relief payments to homeless individuals meet the statutory definition of public assistance and can be used to support a determination of low income status for all participants.

The following programs meet the definition of cash public assistance:

- Supplemental Security Income;
- General Assistance;
- State Payments to Individuals with a Disability;
- Local General Relief Payments to Homeless Individuals;
- Temporary Assistance for Needy Families funded programs, including
 - W-2 Community Service Jobs;
 - W-2 Transition;
 - W-2 Custodial Parent of an Infant Benefit;
 - Kinship Care; and
 - SSI Caretaker Supplement Benefits; and
- Refugee Cash Assistance.

The following programs do **not** meet the WIA definition of cash public assistance (either because they do not require an income test [e.g., Social Security Disability Insurance] or they do not provide a cash payment to an individual [e.g., Medicaid and Child Care]):

- Medicaid, which in Wisconsin includes the following Medicaid funded programs:
 - Badger Care;
 - Healthy Start;
 - Presumptive Eligibility for Pregnant Women;
 - Senior Care; and
 - Family Planning Waiver.
- Child Care;
- Social Security Disability Insurance;
- Medicare;
- Women, Infants, and Children program (WIC); and
- Low Income Energy Assistance.

National School Lunch Program

In the WIA Policy Update dated February 27, 2002, receipt of free or reduced price school lunch was allowed as an income eligibility criterion. WIA section 664.240 states that the criteria for income eligibility under the National School Lunch Program are not the same as the Act's income eligibility criteria. Therefore, the National School Lunch Program cannot be used to determine a youth's eligibility based on low income.

Action Required

This policy change is effective July 1, 2007 and applies to individuals who become participants on or after July 1, 2007.

Questions and/or Technical Assistance and Training

If you need additional information regarding this policy, please contact the Local Program Liaison assigned to your area.